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2 January 1996

ORIGINAL: ENGLISH

LETTER DATED 2 JANUARY 1996 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YEMEN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I would like to enclose herewith a letter in Arabic, which was sent from H.E. Deputy Prime Minister and Minister for Foreign Affairs of the Republic of Yemen, Dr. Abdulkarim Al-Eryani to H.E. Salem Ahmed Salem, Secretary General of the Organization of African Unity, concerning the Eritrean military aggression against the Yemeni Island of Hanish Alkubra, requesting that this letter be circulated as a document of the Security Council.

(Signed) Hamed Mohamed OBADI
Ambassador
Deputy Permanent Representative
Chargé d'affaires a.i.

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Annex

[Original: Arabic]

Letter dated 24 December 1995 from the Deputy Prime Minister and Minister for Foreign Affairs of Yemen addressed to the Secretary-General of the Organization of African Unity (OAU)

You will no doubt have followed the deplorable acts of aggression committed by the neighbouring State of Eritrea, a member of your esteemed organization, against the sovereignty and territorial integrity of my country, the Republic of Yemen, since Friday 15 December. The armed forces of Eritrea carried out an armed attack on the Yemeni island of Hanish al-Kubra, resulting in occupation of the Yemeni island, capture of 186 Yemeni soldiers and the death of all other members of the island's Yemeni garrison.

My country feels bound to inform you of certain facts which preceded and accompanied this flagrant aggression committed by a State member of your esteemed organization, ignoring thus the gravity and consequences of its action against a neighbouring State which has been and continues to be linked to it by historically solid good-neighbourly relations.

The Eritrean Government forces began their harassment of the Yemeni garrison on 11 November 1995 when they delivered a written warning in a manner entirely incompatible with that prescribed for the conduct of relations between States. Asserting that the island belonged to Eritrea, they demanded the withdrawal from the island both of the garrison, which at that time comprised no more than 20 soldiers, and of a commercial investor constructing tourist diving facilities under a permit granted to him by my country's Government. The permit concerned was one of several issued to other investors for similar investment projects on other Yemeni islands in the context of plans to harness the islands' resources for the purely economic purposes of developing tourism in Yemen.

On 12 November 1995 my country's Government protested against the manner in which the Eritrean Government had addressed the Government of a friendly, and indeed fraternal, State, constituting as it did a direct provocation against the Republic of Yemen at a time when both countries were represented by Ambassadors in each other's capitals. However, instead of explaining its claims and assertions through appropriate diplomatic channels, the Eritrean Government met the Yemeni protest - which was marked by the utmost self-restraint, politeness and adherence to the principle of good-neighbourliness - with a demand that Yemen withdraw from Hanish island, on the grounds that it belonged to Eritrea, and negotiate with Eritrea if it laid claim to sovereignty. Although we are aware that every nation is entitled to claim whatever it wishes, this Eritrean demand is an offence against recognized and established procedures for the conduct of international relations.

There are a number of Ottoman and British documents which mention the islands, indicating that the Ottomans and the British had a presence there. In the early 1970s, during the reign of Emperor Haile Selassie, a number of delegations were dispatched when it was rumoured that the Israelis were

maintaining a presence on some islands. During the 1973 war between Egypt and Israel, Yemen allowed Egypt to use the Yemeni islands, including Hanish al-Kubra, in response to an Egyptian request. Egypt did not address its request to Ethiopia, which at that time exercised sovereignty over Eritrean territory. Nor did the Ethiopian Government protest or raise any objection to the Yemeni Government's decision. Yemen (at that time the Yemen Arab Republic) and Egypt signed an agreement to that effect on 12 May 1973.

- Directly after Eritrea attained its independence, the Yemeni Government informed the Eritrean Government of its wish to determine the maritime boundary between the two countries by means of negotiation. However, we received no positive reply, on the grounds that the Eritrean Government had other priorities.

- Yemen does not agree that it should be asked to leave the island simply because the Eritrean side believes Yemen is mistaken in exercising its sovereignty there. It maintains a presence on the island by virtue of its natural right of sovereignty and is not seeking, as the Eritrean side asserts, to impose a status quo.

- Yemen suggests that, instead of a piecemeal approach and rather than determining sovereignty over any island, the two countries should consider means and mechanisms for negotiating the entire maritime boundary between them in accordance with the principles of international law, the Convention on the Law of the Sea and the Charter of the United Nations, because the issue relates to the maritime boundary rather than to sovereignty over any island or islands. This process should be completed within a maximum period of 60 days, during which legal experts would formulate their ideas for a solution, to be followed by negotiation. If the two parties did not reach a satisfactory solution, the countries would refer the issue to the various recognized international arbitration bodies.

- The use of language asserting the right of one party but denying it to the other or speaking of illegal or illegitimate action by a party will make any solution impossible.

The Eritrean Minister for Foreign Affairs made the following points on behalf of his country:

- His country had been surprised by the Yemeni presence on the island and the establishment of tourist facilities there. Such actions were not conducive to the consultation of documents and references. Besides, his country lacked adequate legal and administrative expertise. He said he had no knowledge of the previous Yemeni request to determine the maritime boundary between the two countries.

- Yemen should have informed them of its intentions and resolved the issue before installing a military garrison and constructing facilities on the island. Yemen should have duly informed his country and requested that the matter be discussed.

- What Yemen had done was to go to an island where it had no presence, without informing Eritrea of its intentions to create a new status quo for use by Yemen in demanding a solution of the resulting dispute. He said the Eritreans had used that and other islands for their resistance against the Ethiopians.

- Eritrea believed that Hanish island belonged to Eritrea. It demanded restoration of the situation pertaining three months previously, whereupon negotiation could begin.

The response was that the Eritrean side's assertions were unacceptable, encroaching as they did on Yemen's sovereignty over the island. At the same time, the assertions confirm that the island belongs to Yemen because the Eritreans were using it as a base, with the consent of the Yemeni Government, when Yemen gave support to the Eritreans in their liberation struggle. If the island had been subject to Ethiopia's sovereignty, neither Emperor Haile Selassie nor the former Ethiopian ruler Mengistu Haile Mariam would have left them alone for one moment, particularly since Ethiopia had the strongest naval force in the Red Sea. In addition, if the territory had belonged to Eritrea, they would have declared it to be liberated as they did for other territory under their control.

In response to the request that we withdraw from the island, we affirmed that Yemen would hold fast to its rights of sovereignty and rejected the Eritrean demand, which, if complied with, would sanction Eritrea's assertions of a stronger claim to sovereignty over the island. When the Eritrean side became more intransigent in its refusal to accept the Yemeni position, we repeated all the aforementioned points in accordance with our conviction that it is important to use legitimate means for the peaceful settlement of disputes and to observe the established rules of international relations and international law.

However, it was clear that the Eritreans had not come to Sana'a for dialogue to identify an amicable solution to their claims. Their only mandate was to put forward the demand for Yemen's withdrawal from Yemeni territory which they believed belonged to them. Alternatively, they had not been authorized to enter into any negotiations concerning the maritime boundary. We nevertheless stressed the importance of the two sides' agreeing on a prompt resumption of negotiations. The Eritrean delegation was not able to fix any date.

Yemen kept up its contacts with the Eritrean Government at the highest possible level, in the hope of achieving a peaceful settlement of the dispute and maintaining the thus far excellent relations between the two countries. The Yemeni Ambassador transmitted a letter from the President, Lieutenant-General Ali Abdullah Saleh, to the Eritrean President, Mr. Isaias Afwerki, on 27 November 1995. He received a letter of reply dated 5 December 1995 in which President Isaias Afwerki invited us, at the head of a Yemeni delegation, to Asmara on Thursday, 7 December 1995, to resume the talks initiated at Sana'a.

At Asmara we were astonished to find that the Eritreans broadened the scope of the problem by asserting claims to sovereignty over all the Yemeni islands from Jabal al-Tayr to south of Hanish al-Kubra. They suggested that the case be referred to the International Court of Justice for a ruling on sovereignty and

ownership of the islands, presenting us with a draft agreement for that purpose. Our reponse to this new position was to reject as a matter of principle the claims laid by the Eritrean Government to the Yemeni islands in its draft, while affirming that we did not reject in principle a referral to the International Court of Justice if all the other peaceful means prescribed in the Charter of the United Nations and the principles of international law relating to the peaceful settlement of disputes between States had been exhausted. We also emphasized that the essence of the problem lay in the need to determine the entire maritime boundary between the two nations: a decision on that issue would inevitably eventually settle the question of sovereignty and rights over all the Red Sea islands. We presented a detailed proposal for that purpose to the Eritrean Government, in accordance with a mechanism to be agreed upon and based on a timetable not exceeding one year, after which recourse should be had to other means for the settlement of disputes, including the International Court of Justice.

However, the Eritrean side held fast to its proposals, insisting on immediate recourse to the International Court of Justice to determine sovereignty and ownership of the islands, determination of the rest of the maritime boundary being postponed until the necessary expertise was available to it concerning the Law of the Sea. The Eritreans made it clear in advance that the two countries would not reach an agreement by negotiation: their country was not a party to the United Nations Convention on the Law of the Sea until it acceded to that Convention. We explained, however, that Eritrea was a successor State to Ethiopia, which had signed the Convention, and that the Convention was simply the codification of proven, recognized and established rules in international law covering the sea and what lay in it.

Clearly, the essential difference related to the nature of the dispute and whether it revolved around determination of the maritime boundary or sovereignty and ownership of the islands. That being so, the two sides agreed to meet in late February, due to prior commitments on the Yemeni side as well as the holy month of Ramadan, so that each side might be able to consider the other's position more carefully.

On 16 December 1995, however, we were confronted with the Eritrean forces' attacks against the sovereignty and territorial integrity of the Republic of Yemen and their occupation of Hanish al-Kubra. You cannot but agree that these attacks constitute a threat to international peace and security in this sensitive part of the world and impair the security and safety of international shipping and the international economy in the Red Sea, the lifeline for all the world's economies.

We have perused the contents of the letter addressed to you on 20 December 1995 by the Eritrean Minister for Foreign Affairs, Mr. Petros Solomon. We are alarmed by the misleading version he gives of his statements at the Sana'a negotiations: all that happened there was what we have described in this letter. As to the positions of the two sides at the Asmara talks, I attach for your information a copy of the Yemeni side's written submission and two copies of submissions by the Eritrean side, the first being what was submitted before the Eritrean side saw the Yemeni draft and the second its submission afterwards. You will be able to ascertain from the copies of the

two Eritrean submissions that they were not, as they claim, discussing the Yemeni island of Hanish, or even the Hanish archipelago, but instead a string of Yemeni islands running, as they stated, from the Abu Ali islands north of Zuqur as far as the Hikul islands, including the archipelagos of Hanish al-Sughra and Hanish al-Kubra.

With regard to the incidents of military action mentioned in the letter from the Eritrean Minister, the inconsistency of the Eritrean claims will be quite clear from the communiqué issued by Eritrea's Ministry of Foreign Affairs on 19 December 1995. You will see that the Eritrean forces had been prepared to attack and occupy the Yemeni island of Hanish al-Kubra since 15 December 1995 when reconnaissance forces reached the island of Siyul Hanish, near Hanish al-Kubra. The forces then launched the attack on the morning of 16 December. The Eritrean forces were not on the island on 15 December, as claimed by the Minister in his letter and in his Ministry's communiqué of 19 December.

In conclusion, we are quite sure you have followed the reactions to Eritrea's brutal aggression against my country from many of the world's States, from the United Nations, as voiced by the Secretary-General, Mr. Boutros Boutros-Ghali, from the Organization of the Islamic Conference, represented by its Secretary-General, Mr. Hamid Algabid, and from Mr. Ahmad Esmat Abd al-Meguid, Secretary-General of the League of Arab States. In transmitting to you this distressful picture of what Eritrea has done, we request that you kindly convey the facts to all States members of your esteemed organization in order that they may adopt the positive attitudes required of them as members of the international community: it behoves them to preserve international peace and security, to observe the principles of good faith and good-neighbourliness in the conduct of relations between States and to comply with their obligations, under the Charter of the United Nations, the charter of your regional organization and the established principles of international law, to help preserve such international peace and security. We also call upon Eritrea to release the Yemeni prisoners, to return the remains of those who were martyred, to withdraw from the island and to begin immediate direct negotiations with a view to reaching a comprehensive settlement of the entire maritime boundary between the two countries. It should do this in order to defuse any possible conflict, so that the two neighbouring States may fulfil their duties to their respective peoples and participate actively in exploiting the strategic location with which they are favoured to ensure regional security and stability and to strengthen international peace and security.

In bringing this case to your esteemed organization, the Republic of Yemen - while assuring your organization and all fraternal African States of its willingness to negotiate on the subject of Eritrea's claims and to achieve a just, comprehensive and peaceful settlement of the entire maritime boundary between it and Eritrea - calls upon Eritrea to bear the full consequences of its acts of hostility against Yemen. It also reserves its right to defend its national sovereignty and territorial integrity against any aggression. It affirms that it will not fail to press its substantiated historical rights to sovereignty over Hanish al-Kubra and the other Yemeni islands in the Red Sea. At the same time, the Government of the Republic of Yemen sternly warns any other party or parties against the dangers of any intervention or interventions in this dispute. The Yemeni Government continues to believe that the dispute

can be solved by peaceful means through direct dialogue between the two neighbouring countries, with the support of all friendly and fraternal States to both Yemen and Eritrea.

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LETTER DATED 29 DECEMBER 1995 FROM THE CHAIRMAN OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 748 (1992) CONCERNING THE LIBYAN ARAB JAMAHIRIYA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 748 (1992) concerning the Libyan Arab Jamahiriya, containing an account of the Committee's activities since the beginning of 1995. The present report, which was adopted by the Committee at its 63rd meeting on 22 December 1995, is submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(Signed) Karel KOVANDA
Chairman
Security Council Committee established
pursuant to resolution 748 (1992)
concerning the Libyan Arab Jamahiriya

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Annex

Report of the Security Council Committee established pursuant to resolution 748 (1992) concerning the Libyan Arab Jamahiriya

I. INTRODUCTION

1. By resolution 748 (1992) adopted on 31 March 1992, the Security Council, acting under Chapter VII of the Charter of the United Nations, imposed a regime of mandatory sanctions against the Libyan Arab Jamahiriya relating to various aspects of air links with, the supply of arms and military weapons to, reduction and restriction of the activities of the diplomatic and consular missions of, and restrictions on known or suspected terrorist nationals of the Libyan Arab Jamahiriya.

2. By paragraph 9 of the same resolution, the Security Council established a committee consisting of all members of the Council to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

"(a) To examine the reports submitted pursuant to paragraph 8 above;

"(b) To seek from all States further information regarding the action taken by them concerning the effective implementation of the measures imposed by paragraphs 3 to 7 above;

"(c) To consider any information brought to its attention by States concerning violations of the measures imposed by paragraphs 3 to 7 above and, in that context, to make recommendations to the Council on ways to increase their effectiveness;

"(d) To recommend appropriate measures in response to violations of the measures imposed by paragraphs 3 to 7 above and provide information on a regular basis to the Secretary-General for general distribution to Member States;

"(e) To consider and to decide upon expeditiously any application by States for the approval of flights on grounds of significant humanitarian need in accordance with paragraph 4 above;

"(f) To give special attention to any communications in accordance with Article 50 of the Charter from any neighbouring or other State with special economic problems that might arise from the carrying out of the measures imposed by paragraphs 3 to 7 above".

3. By resolution 883 (1993), adopted on 11 November 1993 at its 3312th meeting, the Security Council, acting under Chapter VII of the Charter, significantly expanded the measures relating to sanctions against the Libyan Arab Jamahiriya imposed earlier by its resolution 748 (1992) and, correspondingly, expanded the mandate of the Committee. The full range of those procedural measures is contained in paragraphs 3 to 7 of the resolution.

4. The Committee adopted the present report at its 63rd meeting, on 22 December 1995. The purpose of the report is to present a factual summary of the Committee's activities since its establishment in April 1992, particularly during the calendar year 1995, in accordance with the transparency measures outlined by the President of the Security Council on 29 March 1995 (S/1995/234). During 1995, the Committee held 16 meetings and handled over 100 incoming communications relating to various aspects of the implementation of the mandatory sanctions, as well as a comparable number of replies.

II. SUMMARY OF THE COMMITTEE'S WORK

A. General observations

5. In paragraph 3 of its resolution 748 (1992) the Security Council, acting under Chapter VII of the Charter, decided that, on 15 April 1992, all States should adopt measures pursuant to paragraphs 3 to 7 of the resolution unless the Secretary-General reported to the Council that the Libyan Government had complied with the conditions set under paragraphs 1 and 2 of the resolution. At the same time, under paragraph 8, the Security Council requested all States to report to the Secretary-General by 15 May 1992 on the measures they had instituted for meeting the obligations so set out by the Council.

6. In view of the fact that full responsibility for the implementation of the mandatory sanctions rests with States, on 31 March 1992, the Secretary-General, pursuant to paragraph 8 of the resolution, transmitted to the Libyan Arab Jamahiriya, and on 3 April 1992 to all States, the text of the resolution, drawing their particular attention to the provisions of paragraphs 4 to 8 thereof. The text of the resolution was also sent to all international organizations.

7. The Secretary-General, pursuant to paragraph 8 of the resolution, has issued three reports on progress in the implementation of resolution 748 (1992). These reports are contained in documents S/23992 and Add.1 and Add.2.

8. At the request of the Committee, the Secretary-General addressed a note in the form of a reminder to those States that had not replied to his previous note pursuant to paragraph 8 of resolution 748 (1992) requesting all States to report to him by 15 May 1992 on the measures they had instituted for meeting the obligations set out in paragraphs 3 to 7. Also, in accordance with a decision of the Committee, the Chairman issued a press statement on 25 June 1992, appealing to those States that had replied to the Secretary-General's previous note but whose replies appeared to be incomplete to give a full account of the specific measures they had instituted for implementing the provisions set out in paragraphs 3 to 7 of resolution 748 (1992).

9. At its 10th meeting, on 14 August 1992, the Committee authorized the Chairman to issue a press statement, indicating the great concern expressed by the members of the Committee over insufficient implementation of resolution 748 (1992) and specifically of its provisions requesting the reduction of the number and level of Libyan diplomatic and consular representation. The Committee further authorized the Chairman to prepare material analysing the

measures reported by States for implementing the pertinent provisions of resolution 748 (1992) by States.

10. In view of the lack of compliance of the Libyan Arab Jamahiriya with the requirements in resolution 731 (1991), the Security Council decided to increase the range of sanctions against that country on 11 November 1993, by adopting resolution 883 (1993). 1/ Those sanctions came into force on 1 December 1993.

11. The Secretary-General, pursuant to paragraph 13 of the resolution, has issued three reports on progress in the implementation of resolution 883 (1993). These reports are contained in documents S/1994/99 and Add.1 and Add.2.

B. Guidelines of the Committee

12. The Committee's bureau, as elected at the Committee's first meeting of each year, consists of a Chairman and two Vice-Chairmen. The Chairman of the Committee is elected in his or her personal capacity for the calendar year, while two delegations are elected to provide the Vice-Chairmen for the year, all three constituting the bureau of the Committee. For 1995, the bureau consisted of H.E. Mr. Karel Kovanda (Czech Republic) as Chairman, with the delegations of Oman and Germany providing the two Vice-Chairmen. For 1994, the bureau consisted of H.E. Mr. Karel Kovanda as Chairman, with the delegations of Oman and Spain providing the two Vice-Chairmen. For 1993, the bureau consisted of H.E. Mr. André Erdos (Hungary) as Chairman, with the delegations of Japan and Spain providing the two Vice-Chairmen. For 1992, the bureau consisted of H.E. Mr. André Erdos as Chairman, with the delegations of Belgium and Japan providing the two Vice-Chairmen.

13. Taking into account the provisions of resolution 748 (1992), at its 3rd meeting, on 30 April 1992, the Committee adopted a set of guidelines for the conduct of its work. 2/ The Committee's guidelines were transmitted to all States and to international organizations on 5 May 1992.

14. Following the adoption of resolution 883 (1993), by paragraph 9 of that resolution, the Security Council instructed the Committee to draw up expeditiously guidelines for the implementation of paragraphs 3 to 7 of resolution 883 (1993) and to amend and supplement, as appropriate, the guidelines for the implementation of resolution 748 (1992), especially its paragraph 5 (a).

15. At its 39th meeting, on 16 February 1994, the Committee adopted the new consolidated guidelines of the Committee for the conduct of its work. The guidelines were transmitted to all States and to international organizations on 22 February 1994.

16. At its 61st meeting, on 17 October 1995, the Committee adopted a number of measures aimed at making the Committee's procedures more transparent, as recommended by the Security Council in the note by its President dated 29 March 1995. To that end, the Committee decided, inter alia, to increase the practice of issuing press releases reflecting the most important matters discussed at the meetings. The Committee will continue to make available, on a

regular basis, tables indicating the status of emergency medical evacuation (MEDIVAC) flights processed under the "no-objection procedure". A compilation of decisions on other major issues considered at Committee meetings will also be prepared on a regular basis and made available to any delegation upon request. In addition, an annual report to the Security Council on its activities would be prepared by the Committee.

C. Provisions regarding certain goods and material

17. The Committee on several occasions, including at its 3rd meeting on 30 April 1992, its 45th meeting, on 1 September 1994, and its 60th meeting on 18 August 1995, considered the permissibility of the provision of aircraft components and parts to foreign commercial airlines operating within the Libyan Arab Jamahiriya. In its response, the Committee decided to draw the attention of the Governments concerned to the relevant Security Council resolutions, particularly paragraph 4 (b) of resolution 748 (1992) and paragraph 6 (c) of resolution 883 (1993).

18. Pursuant to paragraph 5 (a) of Security Council resolution 748 (1992) by which the Council prohibits the provision, including sale or transfer, to the Libyan Arab Jamahiriya of arms and related material, the Committee has consistently advised Governments against the shipment of goods and material to the Libyan Arab Jamahiriya that could be of possible dual use. On such technical matters, the Committee, in accordance with the guidelines for the conduct of its work, has also sought the advice of independent experts. For example, at its 17th meeting, on 3 March 1993, the Committee received a briefing by two experts with regard to its consideration of the permissibility of the shipment to the Libyan Arab Jamahiriya of eight stainless steel reactors and decided that, in the light of the possible dual purpose of the stainless steel reactors, the shipment of the consignment to the Libyan Arab Jamahiriya would contravene the provisions of resolution 748 (1992).

19. The Committee has also considered several queries from Member States with regard to paragraph 5 of resolution 883 (1993) by which the Council prohibits the provision to the Libyan Arab Jamahiriya of the items listed in the annex to that resolution.

D. Transfer of funds

20. With regard to the assets freeze imposed under resolution 883 (1993), at its 43rd meeting, on 4 May 1994, the Committee authorized the Chairman to convey to all States and international organizations its decision by which it stated that the transfer of funds through Libyan blocked accounts for legitimate diplomatic missions and international organizations in the Libyan Arab Jamahiriya, was, as an exception, permissible in terms of resolution 883 (1993). Accordingly, the Chairman's note to all States was issued on 23 June 1994 and the letter to all international organizations was issued on 1 July 1994 by the Secretariat. Regarding the transfer of funds to the Libyan Arab Jamahiriya for "legitimate commercial" purposes, the Committee, on 23 February 1995, decided that it was the responsibility of Member States to enforce the sanctions,

especially paragraphs 3 and 4 of resolution 883 (1993), using mechanisms they deemed appropriate and practical.

E. Humanitarian flights

21. Pursuant to paragraph 9 (e) of resolution 748 (1992), and at the suggestion of the United Nations Resident Coordinator in Tripoli, the Committee, at its 13th meeting, on 14 October 1992, approved special arrangements for emergency medical evacuation by air from the Libyan Arab Jamahiriya. Instructions and procedures concerning the measures so approved by the Committee were transmitted to all States and international organizations on 16 October 1992. The Committee subsequently approved two Libyan aircraft (air ambulance SN-601, registration No. 5A-DCK and air ambulance Jet Star L-329, registration No. 5A-DAJ) to be used for emergency MEDIVAC flights from the Libyan Arab Jamahiriya. The use of other aircraft would be considered on a case-by-case basis.

22. During 1995, the Committee approved 42 emergency MEDIVAC flights while, during 1994, 21 were approved.

23. By a note verbale dated 18 April 1995, Egypt requested the Committee's approval for 45 flights on Egypt Air from Cairo to Tripoli and Benghazi and on to Jeddah, and an equal number of return flights, for the purpose of transporting 6,000 Libyan pilgrims to perform the Haj.

24. At its 51st meeting, on 19 April 1995, the Committee approved the Egyptian request, with the following conditions: (a) the Government of Egypt would communicate to the Committee in advance the exact schedule, routing and aircraft registration number for each flight; (b) all flights would be direct, non-stop between the authorized destinations; (c) none of the aircraft would be owned by, leased from or controlled by the Libyan Arab Jamahiriya or any Libyan entity; (d) neither the Government nor public authorities of the Libyan Arab Jamahiriya nor any Libyan undertaking would, directly or indirectly, benefit financially from such flights, pursuant to paragraph 3 (a) and (b) of Security Council resolution 883 (1993); and (e) pursuant to the guidelines approved by the Committee, the aircraft must be inspected to ensure that they were operating exclusively for the declared humanitarian purposes and in accordance with the relevant provisions of Security Council resolution 748 (1992). Accordingly, these inspections were effected at Cairo, Tripoli, Benghazi and Jeddah on both the inbound and outbound flights, with the participation of United Nations officials.

25. Notwithstanding the above action of the Committee, verified reports confirmed that a Libyan aircraft crossed Egyptian airspace and landed in Jeddah on 19 and 20 April 1995. These flights were not authorized by the Committee and constituted a major violation of the sanctions regime against the Libyan Arab Jamahiriya. This matter was discussed at the informal consultations of the Security Council on 20 April 1995.

26. At its 56th meeting, on 31 May 1995, the Committee concluded its deliberations on the issue of the Libyan violations of the air embargo established under Security Council resolutions 748 (1992) and 883 (1993) by

adopting the text of the three communications to be addressed to the Libyan Arab Jamahiriya, Egypt and Saudi Arabia, respectively.

27. The Committee, at its 59th meeting, on 17 July 1995, approved further procedures and arrangements concerning the authorization and monitoring procedures for emergency MEDIVAC flights from the Libyan Arab Jamahiriya and the related issue of the maintenance and supply of spare parts for the predesignated four Libyan air ambulances as an annex to the special arrangements for emergency medical evacuations by air from the Libyan Arab Jamahiriya, adopted previously at the Committee's 13th meeting, on 14 October 1992.

28. The Committee, at its 61st meeting, on 17 October 1995, considered two notes verbales dated 4 and 10 October 1995 requesting the Committee's authorization, in principle, for air transport facilities by Libyan or United Nations aircraft to enable over a million "illegal infiltrators, nationals of African States, to return to their countries in order to avoid the hardships and dangers of travel created by the air embargo".

29. The intended repatriation would involve nationals of the following African countries: Mali (250,000 nationals; 500 flights), Chad (300,000 nationals; 600 flights), Niger (30,000 nationals; 60 flights), Ghana (20,000 nationals; 40 flights), West African States ((Benin, Côte d'Ivoire, Senegal, Guinea, Guinea-Bissau) (10,000 nationals; 40 flights)), Nigeria (7,000 nationals; 15 flights) and Sudan (500,000 nationals; 1,000 flights).

30. After careful consideration of the above matter, the Committee was unable to accede to the Libyan request. The Committee was of the view that the presence of foreign nationals in the Libyan Arab Jamahiriya and its desire to repatriate them did not constitute grounds for granting a humanitarian exception to the relevant Security Council resolutions.

F. Violations

31. In accordance with the Committee's mandate under resolution 748 (1992), the Chairman, on behalf of the Committee, transmitted, on 14 May 1992, a request to all States for information on violations or suspected violations of the arms embargo against the Libyan Arab Jamahiriya. On 15 May 1992, a similar appeal to national or international government or non-governmental organizations and interested individuals, was issued as a press release.

32. During the reporting period, the Committee received two reports of violations in respect of the Libyan Arab Jamahiriya, both concerning humanitarian flights. The first report concerned an unauthorized stopover on 30 January 1995 in direct contravention of the Committee's authorization for an emergency MEDIVAC flight. The second violation concerned unauthorized flights from Tripoli to Jeddah on 19 and 20 April 1995 (see paras. 23 to 26 above). Appropriate measures were taken by the Committee in response to the two violations.

III. REVIEWS BY THE SECURITY COUNCIL

33. On 12 August and 9 December 1992, the Security Council held informal consultations pursuant to paragraph 13 of resolution 748 (1992), by which the Council decided to review every 120 days or sooner, should the situation so require, the measures imposed by paragraphs 3 to 7 against the Libyan Arab Jamahiriya in the light of the compliance by the Libyan Government with paragraphs 1 and 2 of the resolution, taking into account as appropriate, any reports provided by the Secretary-General in his role as set out in paragraph 4 of resolution 731 (1992). So far, the Security Council has undertaken 11 such reviews.

34. In 1995, the Council undertook three reviews - on 30 March, 28 July and 22 November. On those occasions, the members found that conditions did not exist for modifying the regime of sanctions established by the Council in paragraphs 3 to 7 of resolution 748 (1992). Accordingly, the President of the Security Council issued statements on the same day (S/PRST/1995/14, S/PRST/1995/36 and S/PRST/1995/56), reflecting that position on behalf of the members of the Council.

Notes

1/ See S/26304.

2/ Incorporating the interim guidelines adopted by the Committee at the 2nd meeting and transmitted to all States on 16 April 1992.

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LETTER DATED 3 JANUARY 1996 FROM THE PERMANENT REPRESENTATIVE OF CROATIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In his letter dated 22 December 1995 addressed to your predecessor (S/1995/1059, annex), the Federal Prime Minister of the Federal Republic of Yugoslavia (Serbia and Montenegro), Radoje Kontić, presented a number of claims that are untrue, in order to justify his Government's request for prolongation of the United Nations presence on the Prevlaka peninsula in the Republic of Croatia, following the expiry of the mandate of the United Nations Confidence Restoration Operation in Croatia (UNCRO).

Firstly, Croatia cannot accept the notion that there is a "territorial dispute between the Federal Republic of Yugoslavia, i.e. the Republic of Montenegro, and the Republic of Croatia located in the Prevlaka peninsula in Boka Kotarska Bay." The boundary in the said area was undisputed and uncontested while Croatia was a constituent Republic within the former Socialist Federal Republic of Yugoslavia. In accordance with international law, all such borders came to be recognized as international borders among the five successor States of the Socialist Federal Republic of Yugoslavia. This legal fact was also confirmed by the European Community Arbitration Commission (Badinter Commission).

Secondly, the issues discussed at the Dayton proximity talks are well known, and the issue of the Prevlaka peninsula was not on the agenda. It was raised unilaterally. A unilateral claim to a part of the territory of another State can in no way be interpreted as a "firm commitment to a peaceful solution of the dispute in accordance with the Charter of the United Nations", especially in the light of the fact that the Federal Republic of Yugoslavia (Serbia and Montenegro) is still not prepared to recognize Croatia, despite the fact that the Security Council has on numerous occasions called for mutual recognition between all successor States of the Socialist Federal Republic of Yugoslavia, as a starting point for resolving all outstanding issues of contention in the region. Moreover, as such, a new and assertive claim by the Federal Republic of Yugoslavia (Serbia and Montenegro) to parts of the Prevlaka peninsula is contrary to the spirit and the letter of numerous Security Council and General Assembly resolutions protecting the territorial integrity of all successor States, including Croatia.

The Croatian Government remains available to discuss all pertinent issues, including full normalization of relations with the Federal Republic of Yugoslavia (Serbia and Montenegro), but under one fair and objective condition: the discussion must be between two equal partners - between States that fully recognize each other within their internationally recognized borders.

In conclusion, since the Security Council has already decided that the UNCRO mandate in Croatia has ended effective 15 January, and thereby the United Nations mandate on the Prevlaka peninsula as well, and in view of the above-mentioned fact that the Prevlaka peninsula is an integral part of Croatia, the Croatian Government considers any and all requests designed and aimed at creating legal uncertainty and ambiguity regarding the status of parts of sovereign Croatian territory to be unacceptable, and contrary to the interest of peace and security in the region. Furthermore, the Basic Agreement, which the Council is presently considering in respect of implementation, is not in any way related to the Prevlaka peninsula, but exclusively to Eastern Slavonia, Baranja, and Western Sirmium, parts of Croatia, which should be respected and reflected in the upcoming action by the Council.

May I ask for your kind assistance in circulating the present letter as a document of the Security Council.

(Signed) Ambassador Mario NOBILO
Permanent Representative

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1996/4
2 January 1996

ORIGINAL: ENGLISH

LETTER DATED 2 JANUARY 1996 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to convey the attached final biannual report addressed to me on 30 December 1995 by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

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Annex

Biannual report of the Co-Chairmen of the Steering Committee on the activities of the International Conference on the Former Yugoslavia

I. INTRODUCTION

1. The International Conference on the Former Yugoslavia was established in August 1992, to remain in being until a settlement of the problems of the former Yugoslavia had been achieved. Its seat is at the United Nations Office at Geneva. The Co-Chairmen of the Conference are the Secretary-General of the United Nations and the Head of State or Government of the Presidency of the European Union. The activities of the Conference are supervised by a Steering Committee co-chaired by representatives of the Secretary-General of the United Nations and the Presidency of the European Union. The current Co-Chairmen of the Steering Committee are Mr. Carl Bildt (European Union) and Mr. Thorvald Stoltenberg (United Nations). The day-to-day activities of the Conference are carried out by the Co-Chairmen of the Steering Committee and in working groups and task forces.

2. Pursuant to the decisions adopted at the Peace Implementation Conference (8 and 9 December) (S/1995/1029) and as indicated in the Secretary-General's report to the Security Council (S/1995/1031), the International Conference on the Former Yugoslavia will cease to exist as of 31 January 1996.

3. Information on the activities of the Conference from July to December 1995 is provided below.

4. Since the submission, on 26 July 1995, of the previous biannual report (S/1995/626), the International Conference has continued to provide a valuable framework for peacemaking, peace-building and humanitarian and human rights activities in the former Yugoslavia. These have included:

(a) The operation of the International Conference Mission which, since September 1994, has watched over the closure by the Federal Republic of Yugoslavia (Serbia and Montenegro) of its border towards areas of the Republic of Bosnia and Herzegovina controlled by Bosnian Serbs;

(b) Cooperation with the Contact Group countries in the development of a settlement for Bosnia and Herzegovina and the provision of inputs into peace negotiations among the parties to the conflict;

(c) Cooperation with the Contact Group countries in the development of a settlement for the eastern area of Croatia (Eastern Slavonia) and the provision of inputs into talks between the Croatian Government and the Serb local authorities;

(d) Use of the International Conference framework, notably its Humanitarian Issues Working Group, for alerting the international community to pressing humanitarian issues and for humanitarian appeals;

(e) The promotion of dialogue on human rights issues involving ethnic communities, nationalities and minorities in the former Yugoslavia;

(f) The consideration of economic and reconstruction issues.

II. HUMANITARIAN ISSUES

5. The Conference's Working Group on Humanitarian Issues, chaired by Mrs. Sadako Ogata, United Nations High Commissioner for Refugees, has continued its efforts to generate financing for humanitarian activities, to provide protection and assistance for refugees and displaced persons, and to help to uphold international norms on human rights and humanitarian law. Under the auspices of the Working Group, the Office of the United Nations High Commissioner for Refugees (UNHCR) and other international humanitarian agencies have helped millions of civilians caught up in the conflict, as well as refugees and displaced persons, to survive the winters of 1992, 1993, 1994 and 1995.

6. The period covered by the present report saw a continued and unprecedented influx of refugees and displaced persons, affecting the humanitarian situation and activities. The fall of the eastern enclaves of Srebrenica on 11 July and Zepa on 25 July to the Bosnian Serb forces resulted in the exodus of 36,000 displaced persons to the Tuzla and Zenica regions. UNHCR identified 11,000 persons placed in collective centres around Tuzla. At the Tuzla airbase, UNHCR, in cooperation with the United Nations Protection Force (UNPROFOR) and a number of non-governmental organizations (NGOs), assisted the new arrivals from Srebrenica. At the end of July, a host family agreement was signed between the Bosnian Government and UNHCR for limited assistance to 4,500 host families in the Tuzla region. On 17 July, the High Commissioner for Refugees travelled to Tuzla to meet the victims from Srebrenica and review the efforts of UNHCR and other humanitarian organizations to assist them.

7. As the fall of Zepa became imminent, the local authorities and UNHCR made preparations to receive a possible influx of new arrivals in the Zenica region. An emergency response committee was formed to coordinate the relief action. UNHCR and UNPROFOR erected a transit camp in Zenica, where the registration of the new arrivals took place and assistance was distributed. Some 4,300 displaced persons were placed in collective centres, which were supplied with basic emergency items, as well as in host families.

8. The capture by Croatian HV/HVO forces of Glamoc and Grahovo in late July, led to the flight of 14,000 Serbs to northern Bosnia. Many of them subsequently made their way to Banja Luka. UNHCR dispatched relief items including food, plastic sheeting and sanitary materials to assist the newly displaced persons.

9. The stocks of aid supplies UNHCR had prepositioned in Banja Luka were quickly exhausted with the mass influx of refugees from the Krajina, and additional quantities of food and non-food emergency supplies were brought in by land from Belgrade. UNHCR made fuel available to assist the refugees with their transportation needs as most gradually moved on towards Serbia. In cooperation with the local authorities, way stations were established along the road to Serbia where aid was distributed. UNHCR established an airlift to Belgrade to

replenish stocks there. In addition, the United Kingdom Government made two helicopters available to UNHCR, to be used to transport relief supplies from Zagreb to Banja Luka. On 12 August, the Deputy High Commissioner for Refugees visited Banja Luka to meet with the local authorities, review the emergency aid operation and visit some of the sites where the new refugees were accommodated. In order to cope with the needs of the many thousands of Serb displaced persons in the Banja Luka area, a number of UNHCR field staff from other offices were temporarily deployed to the Banja Luka office. The work of UNHCR and other aid organizations was hampered by the very poor security situation in the area, with repeated hijackings at gunpoint, harassment and banditry. A letter was addressed to Bosnian Serb leader Rodavan Karadzic protesting in "the most strenuous terms" at the "intolerable acts which have been perpetuated recently". The local Serb authorities pledged their support in preventing such incidents from recurring.

10. A major concern was the situation of the remaining Serb population in the Krajina, most of whom were elderly and frail and lived in remote, isolated villages. Human rights violations, including burning and looting of abandoned property, harassment and brutal violence, were brought to the attention of the Croatian Government at the highest levels on a number of occasions, together with the serious criticisms from the international community. UNHCR, UNCRO, the International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies and the European Community Monitoring Mission (ECMM) identified the most vulnerable among them. The Croatian Red Cross took an active role and deployed six mobile teams to cater for and assist the needy population, with monitoring, funding and other support provided by a number of international organizations, including UNHCR. However, government resources and support for assistance to vulnerable minority cases remained minimal. The local Red Cross branches remained understaffed and with little logistical support to reach the many remote villages. UNHCR vehicle support to the Croatian Red Cross was only part of the solution; some government social welfare offices - independent of the Red Cross system but crucial to the relief work - had no access to transportation and received little or no support from their central offices in Zagreb.

11. UNHCR supported the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) to cope with the massive influx of Krajina refugees. A UNHCR emergency relief team was deployed in Serbia to assess the needs of the refugees and coordinate the distribution of supplies. UNHCR distributed food and non-food items and fuel, together with emergency assistance. The massive influx of refugees had a substantial impact on UNHCR's assistance programme in the Federal Republic of Yugoslavia (Serbia and Montenegro) where the caseload more than doubled. In the supplement to the United Nations revised consolidated inter-agency appeal for the former Yugoslavia issued on 15 September 1995, UNHCR requested an additional US$ 24 million to meet the new requirements in the sectors of transport and logistics, domestic needs and household support, health and nutrition, shelter and community services.

12. The arrival of tens of thousands of Krajina refugees in the Banja Luka region resulted in a dramatic deterioration of the situation for the Croat and Muslim minorities, who felt that the only option left was to leave the region. UNHCR's involvement in the movement - some 22,000 left via the Srbac-Davor

crossing - was limited to predeparture interviews and presence at the crossing points. UNHCR also urged the local authorities to ensure that minority men on work or military obligation were allowed to return to their homes so that families wishing to depart were not separated. UNHCR urged the authorities to meet their responsibility of accommodating all refugees, not only the ones of Croat ethnicity, the Government having linked the admission of Muslim refugees from Banja Luka to UNHCR providing accommodation for them. UNHCR took up the issue of "resettlement" of Bosnian Muslim refugees back to Bosnia and Herzegovina (Bihac) with the Croatian Government on a number of occasions, emphasizing that, as a signatory to the 1951 Geneva Convention on the Status of Refugees, Croatia had a duty to keep its doors of asylum open to refugees and that it must not forcibly repatriate those coming in from Bosnia and Herzegovina. UNHCR extended its full support to the Government in providing assistance to the refugees during their stay in Croatia, for example by providing shelter to Bosnian Muslim refugees in the UNCRO bases in Pustara and Novska in Western Slavonia.

13. After the recapture of the Bihac pocket by the Fifth Corps of the Bosnian Army on 7 August, UNHCR established a permanent presence in the Kuplensko camp, where some 20,000 former inhabitants of Velika Kladusa and Cazin loyal to Fidret Abdic arrived and lived in appalling conditions along the roadside. UNHCR, together with other humanitarian agencies, provided food and non-food assistance, shelter, water, sanitation and medical assistance and started a winterization operation to enable the refugees to survive during the cold months. The efforts were hampered by the extremely strict control imposed by the Croatian Special Police at the camp, which initially prevented some vital materials such as gravel and fuel from entering the camp. UNHCR also strongly protested incidents of refoulement in the camp, where male refugees were deported by the Croatian special police in Vojnic and handed over to the Bosnian police in Velika Kladusa.

14. On 30 October, UNHCR started a bus service from the camp to Velika Kladusa to enable those wishing to return home to do so. On arrival in Velika Kladusa, the local authorities have been registering the refugees. The refugees have in most cases returned to their houses, where UNHCR and other international organizations are monitoring their situation. By 15 December, over 4,200 refugees had returned to Velika Kladusa from the Kuplensko camp, using the UNHCR-organized buses or their own means of transport. The UNHCR buses arriving in Velika Kladusa also provided onward travel to Cazin and Vrnograc.

15. Access to Sarajevo was very irregular during the summer months, with only 15 per cent of the target met in June, 30 per cent in July and 45 per cent in August. With the opening of the "blue routes" and the airlift, conditions improved. The humanitarian airlift resumed on 16 September after over five months of suspension. The airlift operation was temporarily suspended from 6 to 30 November to allow for a build-up of stock at Ancona in order to sustain a full schedule. UNHCR and the High-level Working Group agreed that the airbridge will carry whatever stock has been built up at Ancona by 10 December (up to 5,000 tons), before the operation is discontinued early next year.

16. A number of protection issues in Croatia were of great concern to UNHCR. In spite of repeated requests from the international community, including UNHCR,

the Croatian Government did not establish a mechanism to enable those Krajina Serbs wishing to return to Croatia to do so. The law on abandoned property in the Krajina, which represented a serious impediment to possible large-scale return, was not re-examined by the Croatian Parliament. The Office for Displaced Persons and Refugees started to depopulate some refugee centres, particularly in the Istria region, with the purpose of closing them down. Some of the Bosnian Croat refugees from these centres were resettled in former Sectors North and South and others had the possibility of going elsewhere in Croatia. However, Bosnian Muslim refugees who opted to remain in Croatia often faced increased hardship conditions.

17. UNHCR, in coordination with ICRC, followed closely the situation of the estimated 800 Moslems from Zepa and Srebrenica who were detained at Mitrovo Polje and Slivovica in the Federal Republic of Yugoslavia (Serbia and Montenegro). In order to prevent any possible attempt to refoule them to Bosnia and Herzegovina, UNHCR requested the authorities to consider them as refugees and therefore under UNHCR protection. UNHCR expressed its complete availability to assist them in submitting their applications for resettlement to third countries and sent 10 resettlement case workers to conduct interviews with the group. At the time of finalizing the present report, the first group had departed, without major problems and in cooperation with relevant authorities.

18. With the recent peace agreement and new territorial configuration in Bosnia and Herzegovina, several resettlement cases were put on hold, who, according to the new territorial agreement would be able to return to their places of origin. At this time consideration is given to refugees from Banja Luka and some refugees in marriages of mixed ethnicity.

19. UNHCR issued a strong statement concerning the involuntary relocation by the Bosnian authorities of displaced persons to newly acquired areas. UNHCR worked on assessment of conditions, particularly the issue of voluntariness, in respect to the planned return of 1,000 persons to Sanski Most and Kljuc. Repeated visits were paid to Jajce, Travnik and Bugojno to monitor the progress in the return of Bosniac and Croat families, which met with difficulties with some Croat families returning to Bugojno and Travnik, but no Muslims being allowed to go back to Jajce and Stolac.

20. Faced with the dramatic escalation of the humanitarian needs in the former Yugoslavia, a supplement to the revised inter-agency appeal for the former Yugoslavia of 31 May 1995 was issued on 15 September to respond to the considerable rise in internally displaced persons and refugees following events since May 1995. The revised inter-agency target was increased from US$ 470 million by US$ 44.8 million to a total of US$ 514.8 million. The UNHCR component of US$ 206.4 million was increased to US$ 222.7 million in December.

21. A new United Nations consolidated inter-agency appeal for the former Yugoslavia was launched on 20 November, for US$ 179.6 million to fund humanitarian assistance to 3.3 million beneficiaries in the former Yugoslavia from January to April 1996. The UNHCR component is US$ 70.9 million.

22. The Humanitarian Issues Working Group of the International Conference on the Former Yugoslavia met in Geneva on 19 July and on 10 October, under the

chairmanship of the High Commissioner for Refugees. At the London Implementation Conference, the High Commissioner for Refugees announced that the Working Group would meet on 16 January 1996, in view of the urgency of the tasks involved in repatriation planning.

23. The High Commissioner for Refugees undertook a mission to Sarajevo, Zagreb and Belgrade, from 4 to 6 December 1995 and held meetings with the respective Presidents and government officials to discuss the implementation of the Dayton peace agreement.

III. PEACEMAKING

24. In June 1995, following the appointment of Mr. Carl Bildt as the new European Union Co-Chairman of the Steering Committee, the Co-Chairmen undertook a review of forthcoming activities and decided that, in order to give enhanced focus to their efforts, one would spearhead peacemaking efforts concerning Bosnia and Herzegovina while the other would spearhead peacemaking efforts concerning Croatia, it being understood that they would be jointly responsible for all activities of the Conference. Pursuant to this arrangement, Carl Bildt, the European Union Co-Chairman, focused on peacemaking in Bosnia and Herzegovina, while Thorvald Stoltenberg, the United Nations Co-Chairman, focused on peacemaking in the Republic of Croatia.

A. Peacemaking in Bosnia and Herzegovina

25. Between June and October 1995, Mr. Bildt worked intensively with representatives of the Contact Group countries to promote a negotiated solution to the conflict in Bosnia and Herzegovina. On 8 September 1995, in Geneva, he jointly chaired talks among Bosnian leaders at which a set of principles for a settlement of the conflict in Bosnia and Herzegovina was agreed upon. On 26 September 1995, in New York, he jointly chaired another meeting of Bosnian leaders at which a set of further principles was agreed upon.

26. From 1 to 21 November 1995, Mr. Bildt jointly chaired the proximity peace talks held in Dayton, Ohio. On 21 November 1995, a General Framework Agreement for Peace in Bosnia and Herzegovina together with 11 annexes and related documents were initialled. These documents were subsequently signed in Paris on 14 December 1995 (see S/1995/999, attachment).

B. Peacemaking in Croatia

27. Between July and September 1995, the United Nations Co-Chairman of the Steering Committee, Mr. Stoltenberg, was engaged in prolonged, discreet contacts to promote a peaceful, negotiated solution regarding Eastern Slavonia. On 3 October, in pursuance of his efforts, Mr. Stoltenberg, along with the Ambassador of the United States of America to the Republic of Croatia, Mr. Peter Galbraith, jointly chaired a meeting of representatives of the Government of Croatia and of the Serb local authorities in Sector East. At that meeting, agreement was reached on a set of guiding principles for future

negotiations. The efforts of the Co-Chairmen continued during October and November and culminated with the signing, on 12 November, of a Basic Agreement on the Region of Eastern Slavonia, Baranja, and Western Sirmium (S/1995/951).

IV. THE INTERNATIONAL CONFERENCE ON THE FORMER YUGOSLAVIA MISSION TO THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO)

28. The International Conference Mission to the Federal Republic of Yugoslavia (Serbia and Montenegro) was established on 17 September 1994, at the invitation of that Government, after the latter had made the following decisions on 4 August 1994:

(a) "To break off political and economic relations with the Republika Srpska";

(b) "To prohibit the stay of the members of the leadership of the Republika Srpska (parliament, presidency and Government) in the territory of the Federal Republic of Yugoslavia";

(c) "As of today the border of the Federal Republic of Yugoslavia is closed for all transport towards the Republika Srpska except food, clothing and medicine."

29. The original members of the International Conference Mission to Yugoslavia arrived in Belgrade on 14 September 1994. The Mission is a civilian mission and is organized and operated correspondingly. Mr. Tauno Nieminen of Finland became the second Head of Mission on 13 January 1995. On 14 December 1995, he was succeeded in that capacity by Mr. Tarmo Kauppila, also of Finland.

30. The mandate of the Mission is to observe the closure of the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and areas of Bosnia and Herzegovina under control of the Bosnian Serbs in order to verify that only humanitarian aid is allowed to pass. The Federal Republic of Yugoslavia (Serbia and Montenegro) retains full control of its borders through its customs, police and military. These officials operate the border crossings. Mission members are present to observe, record and report accordingly.

31. On the basis of an agreement reached with the Federal Republic of Yugoslavia (Serbia and Montenegro) authorities, members of the Mission are entitled:

(a) To work with representatives of the Yugoslav Red Cross at places from which humanitarian assistance is organized or dispatched;

(b) To work alongside customs officers;

(c) To look into any vehicle crossing the border;

(d) To have examined any item conveyed by individuals or vehicles crossing the border which they suspect might not be classified as humanitarian aid;

(e) To examine all customs, commercial, transport or related documentation;

(f) To have complete freedom of movement with their safety and security guaranteed by the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro);

(g) To have their own communications system.

32. The Mission works with representatives of international and local humanitarian agencies in carrying out this mandate. Mission teams send daily reports to its headquarters. These reports are compiled weekly and sent to the Co-Chairmen of the Steering Committee. In addition, the Mission produces monthly reports that are also submitted to the Co-Chairmen. On the basis of the information provided by the Mission, the Co-Chairmen report each month to the Security Council through the Secretary-General.

33. The Mission's headquarters are located in Belgrade. The Mission covers the whole border area from the north of Serbia to the south of Montenegro (330 miles, approximately 527 kilometres). Nineteen border control posts are covered on a 24-hour basis. On top of static presence at border control posts, the Mission undertakes mobile day and night patrols along the border, usually in close cooperation with the army or police. The Mission is organized into five field sectors, between two and nine hours' drive from Belgrade and located as follows:

(a) Sector Belgrade. The Sector headquarters is located in Belgrade. This Sector is responsible for observing the loading and customs inspection of goods destined for points beyond the Federal Republic of Yugoslavia (Serbia and Montenegro) border with the Republika Srpska at predesignated loading sites in and around Belgrade, to ensure that only humanitarian aid is forwarded. The Sector's area of responsibility extends west from where the border of the Federal Republic of Yugoslavia (Serbia and Montenegro) with Bosnia and Herzegovina meets the Croatian border, to the confluence of the Drina and Sava rivers;

(b) Sector Alpha. The Sector headquarters is located in Banja Koviljaca. This Sector is responsible for the border area from the junction of the Drina and Sava in the north to Drlace in the south;

(c) Sector Bajina Basta. The Sector headquarters is located in Bajina Basta. This Sector is responsible for the border area from Drlace in the north to 3 kms north of Priboj. Sector Bajina Basta is also responsible for the checking and controlling of freight trains on the line passing into and out of "Republika Srpska" territory;

(d) Sector Bravo. The Sector headquarters is located in Priboj. This Sector is responsible for the border area 3 kms north of Priboj to the Tara river in Montenegro;

(e) Sector Charlie. The Sector headquarters is located in Niksic, Montenegro. This Sector is responsible for the border area from the Tara river

in the north to the point at which the border of the Federal Republic of Yugoslavia (Serbia and Montenegro) with Bosnia and Herzegovina abuts the border of the Federal Republic of Yugoslavia (Serbia and Montenegro) with Croatia, near the Adriatic coast.

34. The Mission's current budget of $4.179 million covers the period from 1 October 1995 to 31 March 1996. This money is spent on operational costs. Some Governments provide vehicles, communications and transmission equipment as well as other assets. In addition, States contributing monitors generally pay the salaries of their personnel. As of 14 December 1995, there were 217 international members of the Mission from 15 countries.

V. ECONOMIC AND RECONSTRUCTION ISSUES

35. The Economic Issues Working Group of the Conference convened on 10 October, with an open agenda. All five delegations attended. They were asked to consider various economic aspects of the peace implementation process, at a time when there were new hopes of a peace agreement being reached. They proceeded to look into the ways that progress made in past meetings of the group, on issues such as the lifting of restrictions on trade and financial transactions or the conditionality that should be attached to economic reconstruction programmes, or the economic aspects of State succession, could be brought to bear on the peace implementation process.

36. Strong emphasis was laid by the Chairman on the integrated nature of most of the infrastructure inherited from the former Yugoslavia, and on the need to promote trade and economic relations among the successor States in order to consolidate peace, when it came, and to ensure the success of the future reconstruction process. The newly independent States of the former Yugoslavia were actively developing economic relations with new partners, but they could not afford to discard economic cooperation between themselves. The Chairman indicated that, in order to ensure the success of reconstruction and to ensure economic recovery, provision would have to be made for cooperation in the fields of trade and infrastructure. A multilateral forum, the Chairman considered, could prove more efficient than a series of bilateral relationships at negotiating appropriate trade and economic agreements in these fields.

VI. ETHNIC AND NATIONAL COMMUNITIES AND MINORITIES

37. During the period covered by the present report, activities have continued under the auspices of the Conference to address issues affecting ethnic and national communities and minorities.

A. The former Yugoslav Republic of Macedonia

38. In the former Yugoslav Republic of Macedonia, the Conference's Working Group on Ethnic and National Communities and Minorities has promoted a series of legislative and practical improvements in favour of the Albanians and other nationalities. This followed intensive, patient and detailed talks sponsored by

the Working Group. After the Tetovo incident of 17 February 1995, when one ethnic Albanian was shot, the Working Group succeeded in assembling representatives of all Albanian parties in the Republic, together with the Ministers of the Interior, Justice and Education, around the same table. Since March, 10 rounds of talks have been organized. They were accompanied by numerous individual meetings with representatives of Parliament, other Government agencies, other ethnic groups such as the Turks, opposition figures outside Parliament, and the media.

39. The talks concentrated on new legislation under consideration for all three levels of education and on local self-government. There was also a wide discussion of language issues and of questions pertaining to citizenship and the display of national symbols. Some of this legislation has been adopted in the meantime, taking into consideration various suggestions developed in the Group.

40. In the media sector, the Working Group sponsored an agreement between the Danish and Swiss Governments on the one hand, and "Macedonian Radio and Television" on the other, which provides for the delivery of television equipment for the tripling of emission time in Albanian, and for a considerable increase in languages of other nationalities. A similar radio project has been prepared, within the framework of the Working Group, by specialists from the European Broadcasting Union.

41. In its activities, the Working Group has enjoyed valuable cooperation with the United Nations Preventive Deployment Force (UNPREDEP), the Organization for Security and Cooperation in Europe (OSCE) Mission in Skopje and the Council of Europe.

B. Croatia

42. The Working Group had for some time been trying to set up trilateral talks in Croatia along the model of the talks between the Government of the former Yugoslav Republic of Macedonia and the Albanians in that Republic. Three rounds of talks between the Croatian Government and representatives of Serb organizations in Croatia chaired by the Working Group have taken place. The first two, more general, meetings (12 July 1995 and 31 August 1995) led to an understanding by participants that discussions should focus on concrete issues starting with education. At the third meeting (24 October 1995), which was devoted to educational questions, the Serb representatives identified areas on which they felt some improvements could be made, and it was agreed that they would work out concrete proposals for the next meeting.

C. Federal Republic of Yugoslavia (Serbia and Montenegro)

43. During the reporting period, International Conference personnel have maintained contacts with the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro), local authorities and the leaders of the communities involved regarding the situations in Kosovo, Sandjak and Vojvodina.

UNITED
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2 January 1996

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REPORT OF THE SECRETARY-GENERAL CONCERNING THE SITUATION IN ABKHAZIA, GEORGIA

I. INTRODUCTION

1. The present report is submitted in accordance with resolution 993 (1995) of 12 May 1995, by which the Security Council decided to extend the mandate of the United Nations Observer Mission in Georgia (UNOMIG) for an additional period terminating on 12 January 1996. By the same resolution, the Council requested me "to report every three months from the date of adoption of [resolution 993 (1995)] on all aspects of the situation in Abkhazia, Republic of Georgia, including the operations of UNOMIG", and decided "to undertake, on the basis of these reports, further reviews of the situation". Pursuant to that resolution, I reported to the Council on all aspects of the situation in Abkhazia, Georgia, on 7 August (S/1995/657) and 8 November 1995 (S/1995/937). The present report provides a further update of the situation as of 20 December 1995 and contains my recommendations regarding the role of the United Nations after the expiry of the mandate of UNOMIG on 12 January 1996.

II. POLITICAL ASPECTS

2. The Georgian-Abkhaz peace process remains deadlocked. The Russian Federation, in its capacity as facilitator, has continued vigorous efforts, in close consultation with my Special Envoy and his resident Deputy, to bring the two sides in the conflict, the Georgian and the Abkhaz, closer to compromise solutions. The key issue in these consultations continues to be the future political status of Abkhazia.

3. My Special Envoy and his resident Deputy have maintained close contacts with the President of Georgia, Mr. Eduard Shevardnadze, with the Abkhaz leader, Mr. Vladislav Ardzinba, as well as with the heads of the Georgian and Abkhaz delegations in Moscow. They have also held consultations with prominent political personalities in the Government and the Parliament of the Russian Federation with the purpose of further strengthening the efforts aimed at overcoming current difficulties. Both sides in the conflict have expressed appreciation for the activities of the United Nations.

4. President Shevardnadze has stated that the present deadlock should not be allowed to continue and new initiatives are needed. He announced to his United Nations interlocutors his intention to raise the issue of the Abkhaz conflict again at the meeting of the Council of Heads of State of the Commonwealth of Independent States (CIS), to be convened on 19 January 1996. In particular, he wishes to see an enlargement of the mandate of the CIS peace-keeping force, which should also be deployed throughout the whole territory of Abkhazia and not only in the Gali district.

5. Mr. Ardzinba has stated that the only basis for a successful continuation of the talks is the declaration on measures for a political settlement of the Georgian/Abkhaz conflict and the quadripartite agreement on voluntary return of refugees and displaced persons signed in Moscow on 4 April 1994 (S/1994/397, annexes). In his view, a union agreement between Georgia and Abkhazia, in which both sides enjoy equal rights, would represent a guarantee against the renewal of hostilities.

Developments in the region

6. There have been a number of significant political and other developments in the region, which directly or indirectly affect the Georgian-Abkhaz peace process.

7. Presidential and parliamentary elections were held in Georgia in November 1995. According to international monitors, the elections were conducted without major infringements of the election law and constituted another step forward in the democratic evolution of Georgia. Mr. Shevardnadze was elected President of Georgia by an overwhelming majority of votes on 5 November, and a new Parliament was formed and held its first session on 25 November. Elections were not held in the districts of Abkhazia where the central Government of Georgia does not exercise de facto jurisdiction. In accordance with the election law, parliamentarians from Abkhazia in the Georgian Parliament had their mandates extended until such time as elections can be held in Abkhazia.

8. In his inaugural address of 26 November 1995, President Shevardnadze stated, inter alia, that his main strategic goal was the transformation of the old totalitarian social economic formation, "the old order", into a new social economic system, "the true establishment of democracy and freedom". He emphasized that his most important concerns were resolving ethno-political conflicts and restoring Georgian territorial integrity. He declared that Georgia should have a federal territorial arrangement and Abkhazia would be one of the parts of the federation, with a broad political status and its own Constitution compatible with that of the Federal State. The "Republic of Abkhazia" would have its parliament, supreme court, anthem, state emblem and other symbols. He further stated that the immediate return of the refugees and the definition of the status of Abkhazia must take place without delay and that the Georgian side stood ready to engage in dialogue at all levels, including bilateral negotiations. He also expressed his confidence that the United Nations and the Russian Federation would carry out "their missions in enforcing peace and stability in the region".

9. During the reporting period, the Governments of Georgia and the Russian Federation reached a number of agreements and measures of relevance to the conflict. These concern such matters as consular affairs, trade facilities, restoration of the railway line from Sochi to Tbilisi, Yerevan and Baku, as well as other matters.

III. HUMANITARIAN SITUATION

10. The humanitarian situation remains relatively unchanged since October 1995. The onset of winter is, as expected, creating electricity and water supply shortages. In order to cover the food needs during the winter months, the World Food Programme (WFP) assisted some 2,500 persons in the Kodori valley. In the health sector, the United Nations Children's Fund (UNICEF) initiated an emergency diphtheria control campaign in Abkhazia.

A. Situation of refugees and displaced persons

11. The situation of displaced persons has not changed significantly during the reporting period. The Office of the United Nations High Commissioner for Refugees (UNHCR) has reported that the volume of movements by displaced persons back and forth across the Inguri river has remained high. Following an incursion by Abkhaz militia in early November (see para. 24 below) to the lower security zone, several thousand persons fled across the Inguri river but returned soon afterwards. On the other hand, looting continues in the lower zone bordering the Gali canal, discouraging displaced persons to return to this area. The area north of the Gali canal, which is part of the returnee area under the Quadripartite agreement of 4 April 1994, has reportedly seen an increase in looting, beatings and torture.

12. As from 20 December 1995, UNHCR again has a presence in Gali and has resumed its monitoring in close cooperation with UNOMIG. UNHCR is also discussing with the population and authorities plans for rehabilitating a number of communal facilities in Gali and in other parts of Abkhazia.

B. Human rights

13. As part of my efforts to find ways of improving the observance of human rights in the region, my Special Envoy and his Deputy have taken the initiative to hold consultations with the Abkhaz authorities on a programme for the protection and promotion of human rights in Abkhazia. They have also met with the High Commissioner for Human Rights, Mr. Ayala Lasso, who welcomed the initiative and, in cooperation with the Organization for Security and Cooperation in Europe (OSCE), will elaborate a concrete programme that will subsequently be discussed with the Abkhaz authorities.

14. The programme is to be carried out by the United Nations in cooperation with OSCE and with the participation of UNHCR, as well as other agencies and organizations interested in contributing.

15. In principle, the Abkhaz authorities have shown interest in and support for the idea, but they would like to examine the concrete programme before giving their agreement to it.

IV. OPERATIONS OF THE UNITED NATIONS OBSERVER MISSION IN GEORGIA

16. During the period covered by the present report, UNOMIG continued to fulfil the tasks mandated by the Security Council, operating in the security zone, the restricted weapons zone and in the Kodori valley. The Chief Military Observer of UNOMIG, Major General Per Källström (Sweden), during his first weeks in the Mission, held introductory meetings with Georgian officials, representatives of the Abkhaz authorities and the leadership of the CIS peace-keeping force and familiarized himself with UNOMIG and its area of operations. The Mission continues to maintain its full authorized strength of 136 military observers, drawn from 23 countries (see annex), and supported by 55 international and 75 local civilian staff.

17. As I reported on 8 November 1995 (see S/1995/937, para. 18), the deployment of UNOMIG on the ground was changed in order to provide more military observers in the security zone and to enable those elements of the military operations staff previously in Pitsunda to redeploy to Sukhumi. The redeployment was completed by 15 November 1995. The administrative headquarters remains at Pitsunda. The transfer of responsibility for the patrolling of the restricted weapons zone from Sukhumi to the Gali Sector has been completed and the observer strength of the Gali Sector has been increased from 41 to 54 to carry out the new patrolling tasks. The Zugdidi Sector continues to function at a strength of 38 military observers with the same area of responsibility (see attached map). The liaison office in Tbilisi continues to function with a strength of four military observers.

18. The concept of operations remains as previously reported, except for a change (see para. 19 below) in the operation of the team based in the Kodori valley. The five remaining team bases (three in the Gali Sector, at Inguri Ges, Otobaya and Zemo-Bargevi; and two in the Zugdidi Sector, at Dzvari and Darcheli) continue to provide a constant UNOMIG presence in areas of sensitivity in the prevailing situation and to enable UNOMIG to cooperate closely with the CIS peace-keeping force. Flexible operations continue with close coordination between the Gali and Zugdidi Sectors, which acquired particular significance during an Abkhaz militia operation in the Gali region in early November.

19. After an extensive review (see S/1995/937, para.31), UNOMIG decided, as it had last winter, to close the Kodori valley team base at Azhara temporarily, this year with effect from 4 December. UNOMIG has worked with the local administration and the CIS peace-keeping force in the valley to dispel any misunderstandings about the intention that United Nations military observers from Sukhumi will continue to patrol the valley on a daily basis, weather and road conditions permitting.

20. Since my report of 8 November 1995, there have been four additional incidents of restrictions on the freedom of movement of UNOMIG. Of these, three

took place in the Gali Sector, where UNOMIG patrols were stopped in the restricted weapons zone and asked for identification. On one occasion, the patrol was subsequently denied freedom of movement. The fourth incident occurred in connection with the redeployment of UNOMIG from the Kodori valley, when military and civilian personnel were prevented for several days from leaving the team base at Azhara (see para. 31 below). As mentioned in my report of 8 November 1995 (S/1995/937, para. 20), the pervasive lawlessness in the security and restricted weapons zones of Abkhazia has a negative effect on the ability of UNOMIG to meet its mandated tasks. This situation remains unchanged. UNOMIG is still discussing with the CIS peace-keeping force the possibility of conducting joint patrols north of the Gali canal.

21. Cooperation and communication with the Georgian Government and the Abkhaz authorities have remained at a satisfactory level. Georgia continues to place great emphasis on the repatriation of internally displaced persons and humanitarian issues, especially as winter approaches. The Abkhaz and Georgian sides have expressed concern over the continued criminality on both sides of the Inguri river and have indicated their willingness to cooperate in order to reduce the pervasive lawlessness in the area.

22. After a six-month hiatus, weekly quadripartite meetings at the main bridge over the Inguri river resumed in October. These meetings are chaired by the CIS peace-keeping force. The Chief Military Observer of UNOMIG, the Chief of Staff of the CIS peace-keeping force, representatives of the Gali and Zugdidi local administrations, as well as militia or police chiefs, regularly attend this forum, where issues related to general security, criminality and criminal investigations, hostage exchange and humanitarian issues are discussed.

23. UNOMIG has continued to cooperate with UNHCR. Cooperation with international and non-governmental organizations includes bi-weekly formal meetings, during which matters of mutual concern, including security, are discussed.

V. SITUATION ON THE GROUND

A. General

24. During the reporting period, the situation in the UNOMIG area of responsibility remained unsettled and tense. The period was marked, between 1 and 6 November, by an Abkhaz operation during which the Abkhaz authorities deployed 309 militiamen, 206 of whom were armed, into the Gali region, reportedly to enhance security in the period preceding the elections in Georgia. With the March 1995 militia operation still fresh in their memories, the majority of the local population, especially in the villages surrounding the Otobaya and Zemo-Bargevi team bases, fled east across the Inguri river. On this occasion, the CIS peace-keeping force attempted to exert as much control as possible by monitoring the operation closely and UNOMIG shifted the emphasis of its patrolling in the region to focus on observing the deployment of the militia. The operation ended after five days and the local population returned to the Gali region.

25. There were 23 violent incidents reported in UNOMIG's area of responsibility during the period covered by the present report, of which 21 occurred on the Abkhaz side of the Inguri river. These incidents were mainly robberies and kidnappings and in two cases involved torture. Seven people were killed and another seven injured by small-arms fire. UNOMIG is of the view that these incidents were carried out by members of the local population or the Abkhaz militia or by Abkhaz military personnel deployed along the Gali canal. On the Georgian side of the Inguri river, one incident involved the kidnapping of four Abkhaz women near Zugdidi; the other, small-arms fire directed at a CIS peace-keeping force checkpoint.

26. There were two mine casualties during the reporting period, one involving a CIS peace-keeping force soldier and the other an Abkhaz soldier in the Kodori valley. UNOMIG is working closely with the non-governmental organization Médecins sans Frontières in collecting information about the mine situation in its area of responsibility. The International Committee of the Red Cross (ICRC) continues to work on mine-clearing, using the services of a non-governmental organization.

27. The Moscow agreement of 14 May 1994 stipulates that "there [should] be no armed forces or heavy military equipment within the security zone". UNOMIG has taken this provision to mean that no member of the armed forces of either side, with or without a weapon and in or out of uniform, is authorized in the security zone and that presence of such a member in the zone would, therefore, constitute a violation of the Moscow agreement. This definition has allowed UNOMIG to enforce the agreement with a minimum level of ambiguity. During the reporting period, there were 11 incidents of individuals of the armed forces of both sides entering the security zone, purportedly for private reasons, and these incidents were deemed to be violations of the Moscow agreement. UNOMIG has protested these violations with both sides. In addition, UNOMIG observed on four occasions members of the Abkhaz militia armed with rocket-propelled grenade launchers in the security zone. These violations were associated with the Abkhaz militia operation in early November.

B. Security and restricted weapons zones

28. The new system of weapon permits introduced by the CIS peace-keeping force (see S/1995/937, para. 27), which enables local authorities to issue permits to members of the police or to the militia, is now in place on both the Georgian and the Abkhaz sides of the security zone. Although the system seems to be functioning, UNOMIG is concerned that it may not provide sufficient control over the issuance of weapon permits. UNOMIG will therefore continue to monitor the system carefully.

29. It will be recalled that, in the wake of difficulties encountered in gaining access to the two heavy-weapon storage sites at Senaki on the Georgian side and Ochamchira on the Abkhaz side, UNOMIG had sent letters of protest to the Minister of Defence of Georgia and to the Abkhaz authorities (see S/1995/937, para. 29). UNOMIG has now received a response from the Abkhaz side outlining the location and condition of all pieces of equipment, but not

specifically granting UNOMIG access to the storage site to verify the data. A response from the Georgian side is still awaited.

C. Kodori valley

30. The situation in the Kodori valley remained tense throughout the reporting period. There was an increase in the number of small-arms firings by Svanetians in the valley, which may be linked to the absence of a local Svan leader who was in Tbilisi from 17 October until 6 December 1995. There was no change in the disposition of the Abkhaz or Svan forces in the valley.

31. As reported in paragraph 20 above, an incident occurred in the valley at the end of November, when UNOMIG decided to close the team base at Azhara during the winter period. Local authorities had been informed about the decision before the closing date, but they appealed to UNOMIG to maintain its presence in the valley. These authorities also requested UNOMIG to assist in rescuing a group of people who had become stranded after a traffic accident. Over a period of five days, several UNOMIG military personnel (including at one point the Deputy Chief Military Observer, who had come to negotiate with the local authorities) were prevented from leaving the valley. However, at no point were UNOMIG personnel in danger and all finally left Azhara without further incident on 4 December. Patrolling of the Kodori valley will continue up to the last CIS peace-keeping force checkpoint. Coordinated joint patrolling with the CIS peace-keeping force further east is under consideration.

VI. COOPERATION BETWEEN THE UNITED NATIONS OBSERVER MISSION IN GEORGIA AND THE COLLECTIVE PEACE-KEEPING FORCES OF THE COMMONWEALTH OF INDEPENDENT STATES

32. Cooperation between UNOMIG and the CIS peace-keeping force continues to be satisfactory at all levels and regular meetings are held to discuss problems of mutual concern.

33. The exchange of information between UNOMIG and the CIS peace-keeping force, which had been an issue in the past (see S/1995/937, para. 33), has been timely and forthcoming. This was of particular importance during the Abkhaz militia operation in early November, when UNOMIG and the CIS peace-keeping force met several times each day to ensure that the situation did not escalate. Joint patrolling in the security zone continues.

VII. SOCIAL AND ECONOMIC ASPECTS

34. Emergency relief and humanitarian aid currently remain the principal focus of United Nations assistance and other donors' support to Georgia. The efforts of UNHCR and other relief agencies have been described above.

35. The World Bank assists Georgia in restoring macroeconomic stability, improving living standards, strengthening public institutions in the financial sector and enhancing economic management. The International Monetary Fund (IMF)

is providing technical assistance covering fiscal areas (tax and customs, treasury operations and fiscal management) and monetary fields (central banking) in support of the recently introduced national currency, the lari.

36. As for other United Nations specialized agencies, programmes continue as described in my previous report (S/1995/937, para. 35).

VIII. FINANCIAL ASPECTS

37. By its resolution 49/231 B of 12 July 1995, the General Assembly authorized me to enter into commitments for UNOMIG at a monthly rate not to exceed $1,334,500 gross for the period from 13 January to 30 June 1996. This authorization is subject to the decision of the Security Council to extend the mandate of the Mission.

38. Should the Security Council decide to extend the mandate of UNOMIG beyond 12 January 1996, as I recommend in paragraph 43 below, the monthly cost of maintaining the Mission until 30 June 1996 will be limited to the commitment authority contained in General Assembly resolution 49/231 B. I will report to the General Assembly on the additional requirements needed, if any, for the maintenance of the Mission beyond 30 June 1996.

39. As at 20 December 1995, unpaid assessed contributions to the UNOMIG Special Account amounted to $2.1 million and total unpaid assessed contributions for all peace-keeping operations as at that date amounted to $1.9 billion.

IX. OBSERVATIONS

40. Despite strenuous efforts in the past few months by the Russian Federation, in its capacity as facilitator, to draft a protocol acceptable to both parties to the conflict, there has been very little progress. The primary objective of the draft protocol has been to establish a basic understanding of principles on which a more detailed agreement could be elaborated. However, as I have explained in section II of the present report, matters remain at an impasse.

41. For the time being, the ingredients for a solution are not yet present and external factors are influencing the extent to which the two sides may be willing to make the necessary compromises. As I have stated in previous reports, in such circumstances, patience and persistence are required. The two sides continue to need outside assistance to help them to find a lasting solution to their dispute.

42. My Special Envoy and his resident Deputy will meet on 8 and 9 January 1996 with Deputy Foreign Minister Pastukhov of the Russian Federation and his colleagues. At that meeting, they will review the situation and consider in what ways it might be possible to move the political process forward. It should not be expected that this review will lead to an early breakthrough, but it will be another step in the continuing joint efforts of the United Nations and the Russian Federation to restore peace and stability in one part of a region of the

world which in recent years has already witnessed too much conflict and instability.

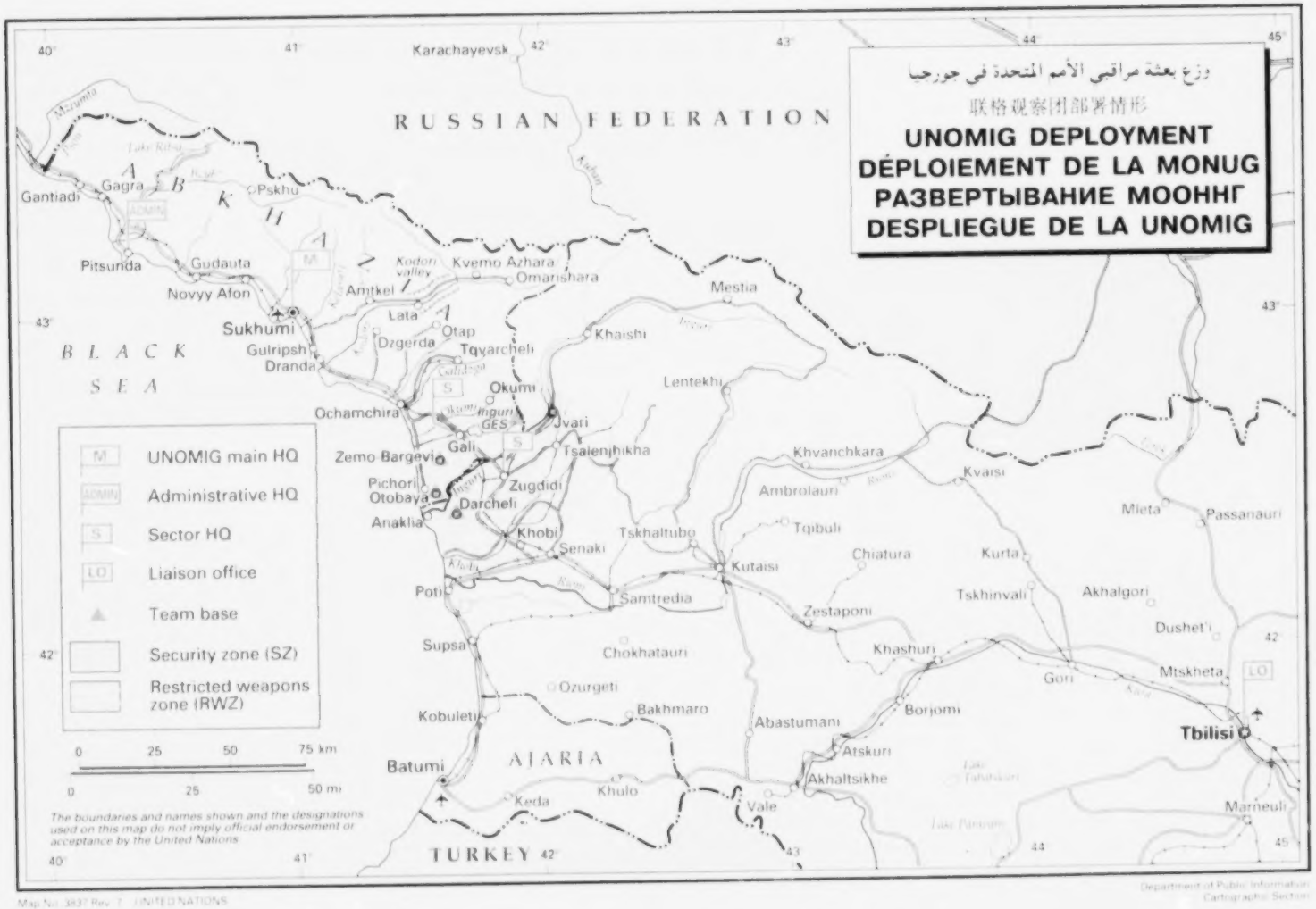
43. In the light of the situation outlined in the present report, I recommend to the Security Council that it extend the mandate of UNOMIG for a further period of six months, until 12 July 1996. However, bearing in mind that the situation in Abkhazia and the mandate of the CIS peace-keeping force will be considered at the meeting of the Council of Heads of State of CIS on 19 January 1996, I believe that it would be appropriate to make the extension of UNOMIG's mandate subject to early review by the Security Council should decisions be taken at that meeting that would change the mandate of the CIS peace-keeping force. I shall, of course, keep the Security Council informed of developments in this regard.

44. In conclusion, I should like to take this opportunity to thank my Special Envoy, Ambassador Edouard Brunner, his Deputy and the Head of Mission of UNOMIG, Mr. Liviu Bota, as well as all the military and civilian personnel under his command, for their dedication and perseverance in carrying out, under difficult conditions, the tasks entrusted to them by the Security Council.

Annex

Composition of the United Nations Observer Mission in Georgia
at 12 December 1995

Country	Military observers
Albania	1
Austria	4
Bangladesh	11
Cuba	4
Czech Republic	5
Denmark	5
Egypt	5
France	5
Germany	10
Greece	5
Hungary	7
Indonesia	6
Jordan	8
Pakistan	8
Poland	5
Republic of Korea	6
Russian Federation	3
Sweden	10
Switzerland	5
Turkey	5
United Kingdom of Great Britain and Northern Ireland	10
United States of America	4
Uruguay	4
Total	136



Map No. 3837 Rev. 7 UNITED NATIONS
December 1995

Department of Public Information
Cartographic Section

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1996/6
5 January 1996

ORIGINAL: ENGLISH

LETTER DATED 29 DECEMBER 1995 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to Security Council resolution 976 (1995) of 8 February 1995 concerning the establishment of the United Nations Angola Verification Mission (UNAVEM III).

Further to my letter of 1 November 1995 to the President of the Security Council regarding the composition of the military component of UNAVEM III (S/1995/912) and following the usual consultations, I propose that Fiji and Italy be added to the list of countries contributing military personnel to UNAVEM III.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

96-00244 (E) 050196 060196

UNITED
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Security Council

Distr.
GENERAL

S/1996/7
5 January 1996

ORIGINAL: ENGLISH

LETTER DATED 5 JANUARY 1996 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that your letter dated 29 December 1995 (S/1996/6) concerning additions to the list of Member States contributing military personnel to the United Nations Angola Verification Mission (UNAVEM III) has been brought to the attention of the members of the Council. They agree with the proposal contained in the letter.

(Signed) Sir John WESTON, KCMG
President of the Security Council

96-00250 (E) 050196 060196

UNITED
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Security Council

Distr.
GENERAL

S/1996/8
5 January 1996

ORIGINAL: ENGLISH

LETTER DATED 3 JANUARY 1996 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to resolution 1012 (1995), in which the Security Council requested me to submit, within three months of the establishment of the Commission of Inquiry in Burundi, an interim report to the Council on the work of the Commission.

Following six weeks of work in the field and extensive consultations at United Nations Headquarters in New York, the Commission submitted a preliminary report to me on 20 December 1995. This report focused on three areas: (a) the nature and the scope of the Commission's mandate; (b) the difficulties that the Commission has faced; and (c) its activities to date.

In view of its structure and technical character, I have decided to present a summary of the report to the Security Council, as follows:

(a) The Commission of Inquiry arrived in Bujumbura on 29 October 1995 and immediately started work, assisted by its support staff and the Office of my Special Representative for Burundi. Courtesy visits were paid to government officials and institutions and meetings were held with representatives of many sectors of public life in Burundi, including political parties, non-governmental organizations and the religious community. The Commission also met diplomatic representatives accredited to Burundi. In order not to compromise their security, the report does not provide names of witnesses or others who provided information to the Commission.

(b) The Commission has received many requests for deposition of testimony by individuals and groups; lists of potential witnesses were also established. A number of relevant documents were received and filed for later verification. The Commission has started its investigation into the assassination of former President Melchior Ndadaye in October 1993. Two visits were made to the countryside during which members of the Commission interviewed prisoners held in connection with crimes related to the subsequent massacres. The Commission has also initiated a study of the judicial system.

(c) The Commission identified four major problems in the implementation of its mandate. The first is the period of time that has elapsed since the events under investigation. Perpetrators of crimes, witnesses and victims may have become refugees, displaced persons or died. Evidence may have been lost, suppressed or altered, while some evidence previously gathered may not conform with generally accepted judicial standards.

(d) Secondly, the ethnic polarization in the country is intensifying under the influence of extremists. In such circumstances of widespread hatred and fear, the Commission finds it difficult to obtain truthful, objective and reliable testimony.

(e) The general deterioration of the security situation in Burundi is the third problem and the one that poses the greatest obstacle to the work of the Commission. The Commission believes that the United Nations security personnel currently provided for its protection are inadequate. Moreover, it feels that reliance on the Burundese security forces for protection is likely to impede the Commission's access to testimony and also compromise its credibility as an impartial international body.

(f) Finally, the Commission expresses serious concern about the inadequacy of the resources provided to it. In its view, the mandate entrusted to it necessitates additional staff to gather required evidence and undertake investigative work. Trained investigators, support staff and material resources are needed to enable it to accomplish its mandate within a reasonable period of time.

The Commission intends to initiate, as resources and the security situation allow, a detailed and systematic investigation of the crimes that are included within its mandate. Members of the Commission also envisage travelling abroad, if necessary, to obtain testimony from witnesses. The Commission will continue to study the system of administration of justice in Burundi with a view to making pertinent recommendations. I will ensure that the Security Council is kept informed of the progress achieved.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1996/9
9 January 1996

ORIGINAL: ENGLISH

LETTER DATED 8 JANUARY 1996 FROM THE PERMANENT REPRESENTATIVE OF GEORGIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to inform you that, on 5 January 1996, in the village of Sheshleti in the Gali region, Abkhaz boeviks brutally tortured and killed innocent civilians, Mr. Sanaia and six members of his family, including his wife, children and grandchildren.

Mr. Sanaia's two neighbours, who had come to prevent the massacre, were also executed on the spot.

The President of the Republic of Georgia, Mr. Eduard Shevardnadze, has expressed his deep concern over this tragic incident and stressed that, regrettably, such a barbaric act was carried out in the presence of international observers and Commonwealth of Independent States (CIS) peace-keeping forces.

Mr. Shevardnadze also noted that this very fact indicates their indifference towards the tragic processes under way in the region and called upon the human rights organizations to duly evaluate this unspeakable fact.

The President of Georgia has expressed his strong conviction that the incident was aimed at thwarting the peace process and at institutionalizing ethnic cleansing and genocide of Georgians in the Abkhazian region.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Peter CHKHEIDZE
Permanent Representative

96-00304 (E) 090196 100196

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1996/10
9 January 1996

ORIGINAL: ENGLISH

LETTER DATED 9 JANUARY 1996 FROM THE PERMANENT REPRESENTATIVE OF ETHIOPIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In view of the Government of the Republic of Sudan's refusal to comply with repeated demands for extradition to Ethiopia of the terrorists sought for their role in the assassination attempt against President Mubarak of Egypt and the serious implications of such non-compliance, I have the honour to request in accordance with Article 35 of the Charter of the United Nations, an urgent meeting of the Security Council to consider the matter.

In this regard, I would like to refer to the meeting held between the Deputy Minister for Foreign Affairs of Ethiopia and members of the Security Council on 21 December 1995. Information from my Government on the issue as well as the statements issued at the end of the 11 September and 19 December 1995 meetings of the Central Organ of the Organization of African Unity (OAU) Mechanism for Conflict Prevention, Management and Resolution are enclosed with this letter.

May I also ask for your kind assistance in distributing the present letter and the attached statements as a document of the Security Council.

(Signed) Mulugeta ETEFFA
Permanent Representative

96-00338 (E) 120196 130196

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Annex I

Statement issued on 11 September 1995 by the third extraordinary session of the OAU Mechanism for Conflict Prevention, Management and Resolution, at the ministerial level on the assassination attempt on H.E. Hosni Mubarak, President of Egypt

Ministers of the countries members of the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution, meeting in an extraordinary session on 11 September 1995, in Addis Ababa, Ethiopia; having listened to the comprehensive report on the outcome of the investigation conducted by the Ethiopian authorities into the terrorist assassination attempt on the life of H.E. President Hosni Mubarak, President of the Arab Republic of Egypt, submitted by the Minister for Foreign Affairs of Ethiopia; and having also listened to the additional report on the same issue made by the Minister of Foreign Affairs of Egypt; and having subsequently held a thorough exchange of views on the matter, at which time a number of delegations expressed their indignation:

1. EXPRESS their profound shock and indignation at the terrorist assassination attempt carried out on the life the President of Egypt, in Addis Ababa, Ethiopia, on 26 June 1995, and consider that attack as aimed not only at the Egyptian President and not only at the sovereignty, integrity and stability of Ethiopia, but also Africa as a whole;

2. EXPRESS further their profound relief that the President of Egypt was unharmed by this cowardly and heinous terrorist act;

3. COMMEND the Ethiopian authorities for the patience and effectiveness with which they have carried out the investigation into this terrorist act;

4. CONDEMN most vehemently the plot behind the terrorist assassination attempt on the life of the President of Egypt, which the Ethiopian authorities have uncovered and reported on to the Central Organ.

5. CONDEMN ALSO the flagrant violation of the sovereignty and integrity of Ethiopia and the attempt to disturb the peace and security of Ethiopia which the terrorist act on Ethiopian territory represented, and the attempt to inflict an irreparable damage on the Organization of African Unity and on Africa in general through targeting for assassination an African head of State who came to Addis Ababa to participate in an OAU summit;

6. CALL UPON the Government of the Sudan to hand over to Ethiopia the three terrorists who are sheltering in the Sudan on the basis of the 1964 Extradition Treaty between Ethiopia and the Sudan;

7. UNDERLINE the grave danger that terrorism, including State-sponsored terrorism, represents to regional and international peace and security and the need, therefore, for the international community to demonstrate full cooperation in the effort to eliminate this danger wherever it exists;

8. CALL FURTHER on all Governments, and in this case the Government of the Sudan, to desist from engaging in activities of assisting, supporting and facilitating terrorist activities and from giving shelter and sanctuaries to terrorist elements and to act in its relations with its neighbours and with others in full conformity with the Charters of the United Nations and the Organization of African Unity and with principles of international law governing inter-State relations, most particularly in conformity with the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations adopted by the General Assembly of the United Nations in October 1970, and with the Declaration on a Code of Conduct for Inter-African Relations adopted by the thirtieth Assembly of Heads of State and Government of OAU in Tunis and all other pertinent resolutions of OAU.

9. REQUEST the Secretary-General, without prejudice to action that may be taken by Ethiopia and/or Egypt in accordance with the OAU Charter and consistent with international law, to submit a report to the next meeting of the Central Organ and the sixty-third ordinary session of the Council of Ministers of OAU on the extradition of the three terrorists referred to in paragraph 6 and on what additional measures are necessary to deal with the dangers posed by State-sponsored terrorism.

Annex II

Statement dated 19 December 1995 on the assassination attempt against H.E. President Hosni Mubarak of Egypt

The Central Organ considered the report of the Secretary-General on the follow-up to the decisions of the third extraordinary session of the Central Organ, at the ministerial level, relating to the assassination attempt on H.E. President Hosni Mubarak of Egypt.

After exhaustive discussions, during which the Central Organ listened to the statements made by the heads of delegation of Ethiopia, Egypt and the Sudan and the additional information they gave,

(a) It took note of the comprehensive document submitted by the head of the Ethiopian delegation and the statements made by the delegations of the Sudan and Egypt;

(b) It welcomed with satisfaction the efforts made by the Secretary-General to implement the relevant provisions of the statement of the Central Organ of 11 September 1995 (see annex I);

(c) It noted with regret that no progress had been made in the extradition by the Sudan of the three suspects found there:

1. The Central Organ strongly reaffirmed its conclusions and recommendations contained in its statement adopted on 11 September 1995 at its third extraordinary session and stressed the need for its full and urgent implementation.

2. It requested the Government of the Sudan to implement the said statement in all its aspects and cooperate with the OAU Secretary-General and the Central Organ for its implementation.

3. It urged the Sudanese Government to take the necessary measures to look for, locate and extradite the three terrorists.

4. The Central Organ decided to remain seized with the issue and requested the OAU Secretary-General to pursue his efforts for the implementation of the statement of 11 September 1995.

Annex III

Submission by Ethiopia to the United Nations Security Council on the assassination attempt on President Hosni Mubarak on 26 June 1995 in Addis Ababa, Ethiopia

(January 1996)

1. The issue that Ethiopia is presenting concerns the assassination attempt on the life of the President of Egypt on 26 June 1995 in Addis Ababa on the opening day of the thirty-first Assembly of Heads of State and Government of the Organization of African Unity (OAU), and the Sudan's involvement in the matter.

2. The assassination attempt was made a few minutes after the arrival of the Egyptian President in Addis Ababa within a distance of less than a kilometre from the airport as he was being driven to the conference hall of the summit. Preparations for the terrorist ambush had taken almost two years.

3. It was a very sophisticated plot in which, subsequent investigations have shown, the security organs of the Sudan were involved. This is why we felt that the Security Council ought to be and should be seized with this very grave issue.

4. We are in fact bringing this matter to the Security Council very belatedly, six months after the commission of the crime and after our investigation into the terrorist crime had shown conclusively that Sudanese security organs and the leadership in the Sudan were involved in assisting, facilitating and supporting the assassination attempt on the life of the Egyptian President.

5. It took Ethiopia this long to come to the Security Council not because we felt that the matter did not warrant the very urgent attention and action of the Security Council. In fact, since the time when our investigation made clear Sudanese involvement, it has been our conviction that there was no greater crime and no more egregious gross violation of international law and of the principles of the Charter of the United Nations, warranting the immediate attention of the Security Council, than this crime committed by the Government of the Sudan, which could have the potential of destabilizing the subregion with greater implications for international peace and stability.

6. But we did not come rushing to the Security Council immediately because we felt all bilateral means and then, should that fail, regional forums should be engaged and only then would it be necessary for the Security Council to be seized of the issue.

7. We tried the bilateral track to get the Sudanese Government to cooperate in handing over to Ethiopia, on the basis of the Treaty of Extradition between our two countries, the three terrorists being sheltered in the Sudan, one of whom escaped to Khartoum by Sudanese Airways within hours of the assassination attempt. But that was to no avail, and when it became clear that what the Sudanese Government wanted Ethiopia to do was to engage in a cover-up of the crime and the plot using a script prepared by the very same elements within the

Sudanese leadership who were in the first instance responsible for assisting, facilitating and supporting the terrorist attempt, Ethiopia felt it had no option but to take the matter to OAU, which it did on 11 September 1995. Here reference is made to the third extraordinary session of the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution, which, after listening to the submissions to the meeting of the Foreign Ministers of Ethiopia and Egypt and after a comprehensive and exhaustive discussion on the item, adopted a statement which, first, commending the Ethiopian authorities for the patience and effectiveness with which they had carried out the investigation, among other things, condemned most vehemently the plot behind the terrorist assassination attempt on the life of the President of Egypt that the Ethiopian authorities had uncovered and "called upon the Government of the Sudan to hand over to Ethiopia the three terrorists who are sheltering in the Sudan on the basis of the 1964 Extradition Treaty between Ethiopia and the Sudan".

8. The statement also called on the Government of the Sudan, "to desist from engaging in activities of assisting, supporting and facilitating terrorist activities and from giving shelter and sanctuaries to terrorist elements and to act in its relations with its neighbours and with others in full conformity with the Charters of the United Nations and the Organization of African Unity". Furthermore, affirming that the terrorist attack on President Mubarak should be seen not only as an attack on the Egyptian President and on the sovereignty, integrity and stability of Ethiopia, but also on Africa as a whole, the statement requested the Secretary-General of OAU, without prejudice to action that might be taken by Ethiopia and/or Egypt in accordance with the OAU Charter and consistent with international law, to submit a report to the next meeting of the Central Organ and the sixty-third ordinary session of the Council of Ministers.

9. Since the adoption of this statement by OAU, the Secretary-General of OAU has made efforts to approach the Sudanese Government, and as his report to the Ministerial Meeting of the Central Organ on Conflict Resolution, convened on 18 and 19 December 1995 in Addis Ababa, makes clear, the Sudanese authorities are determined to continue to prevaricate and to frustrate OAU's effort in the same way that they made sure that the bilateral efforts we made were frustrated.

10. Under the circumstances, the latest ministerial meeting of the Central Organ of OAU's Conflict Resolution Mechanism expressed "regret that no progress had been made in the extradition by the Sudan of the three suspects found there", and "strongly reaffirmed its conclusion contained in the statement adopted on 11 September 1995 ... and stressed the need for its full and urgent implementation".

11. This is why the matter is now before the United Nations. In view of the lack of progress at the bilateral and regional levels and because of Sudan's persistent refusal to cooperate, it is incumbent upon the Security Council to be seized with the matter and discharge its responsibility by taking appropriate action to address a terrorist act in which a State Member of the United Nations was deeply involved.

The assassination plot

12. What we are presenting is the result of patient, thorough and meticulous investigation into this terrorist action by the investigators of Ethiopia. Since Ethiopia was very keen in contributing to the fostering of mutual trust and confidence among the countries of our subregion, it was very hopeful that the outcome of the investigation would be different. Naturally, for a leadership that had just assumed power in a country whose peoples have suffered and bled for three decades because of war and man-made disasters, there was no priority more important than working for peace and cooperation in its own subregion, which includes the Sudan. Therefore, Ethiopia had absolutely no motive and no predisposition at the beginning of the investigation to prejudge or prejudice its outcome. We followed the facts where they led us and it is the truth that has pointed its finger at Sudan. Doing less than allowing the facts to speak for themselves would have meant for us engaging in a cover-up which, in our view, would be no less a crime than the actual commission of the criminal act itself.

13. It is therefore to those facts that we should turn and to the presentation of the results of the investigation that the relevant Ethiopian authorities have unearthed, which are based on human and material evidence, including statements made before court by the three terrorists who are fortunately in our custody.

14. Our investigation has confirmed that the terrorists who staged the attack on the life of President Mubarak on 26 June 1995 were members of Al-Gama'a-Islamia. Eleven operatives were deployed by the terrorist organization for carrying out the terrorist act. They were divided into two groups. The main leadership of the squad, consisting of two terrorists, was based in Khartoum. It was this group of two terrorists, ensconced in Khartoum, which took the responsibility of planning, following up and assuming overall control of the operation, from the beginning to the end. The two are Ibrahim, whose real name is Mustafa Hamza, and Izat, whose real name we have yet to find, but who is known in his own terrorist circle and in the Sudan by this fictitious first name.

15. These two leaders of the terrorist squad were not in Addis Ababa on the day of the assassination attempt but both had visited our capital in early 1994 in preparation for the assassination, an act that was decided upon immediately following the OAU Cairo summit in June 1993, at which Ethiopia's offer to host the thirty-first OAU summit in June 1995 was accepted by acclamation.

16. According to one of the terrorists in our custody, Mustafa Hamza had come to Addis Ababa in early 1994 with another terrorist for reconnaissance purposes and to decide on the suitability of Addis Ababa for staging the terrorist act. Immediately following his return to the Sudan the other terrorists making up the second group, composed of nine terrorists who were given specific tasks, were sent to Addis Ababa at different intervals.

17. Of the nine terrorists who were deployed in Addis Ababa to carry out the assassination attempt against President Mubarak, the first to arrive in 1994 were two. One of them, who is now in our custody, is Safwat Hassan Abdel Gani Atiq, who entered Addis Ababa using a Sudanese passport

under an assumed name of Faisal Mahmoud Ahmed Idris. The second person was the notorious Siraj or Fathi, who entered Ethiopia for the first time in early 1994 with Mustafa Hamza and left our capital a few hours after the failed assassination attempt on 26 June 1995, using a Sudanese passport under the fictitious name Faisal Lutfi Abdelatif. His true name is Husayn Ahmed Shahit' Ali.

18. These two terrorists, Safwat or Faisal and Siraj or Husayn, who came to Addis Ababa in mid-1994, in the case of Siraj for the second time, were given the specific task of preparing the ground for the arrival of the other seven terrorists in the group of nine, which included renting houses, and receiving the weapons and explosives sent from Khartoum to Addis Ababa by Sudan Airways.

19. Siraj was the most versatile and obviously closer to the leadership of the terrorist group. There are many indications that he had close contacts with the Sudanese Embassy in Addis Ababa and with a few Ethiopians who had earlier been taken to Khartoum for indoctrination and who returned to Addis Ababa to carry out missions given to them by the National Islamic Front, which is the major force behind the Government in the Sudan. One such Ethiopian who was recruited by the National Islamic Front and who worked very closely with Siraj was Shiek Said Mohammed.

20. Siraj and Faisal, as the advance party of the terrorist group, had been given instructions by Mustafa Hamza in Khartoum to try to establish Faisal in Addis Ababa as a businessman dealing with auto parts and as a respectable gentleman with an Ethiopian wife. The criminally motivated marriage was arranged for Faisal by Siraj and the Ethiopian National Islamic Front recruit, Shiek Saud Mohammed, with a young Ethiopian girl called Abeba Siraj. Abeba's sister, whose name is Kawsar Siraj, was recruited by the National Islamic Front in March-April 1993 and taken to Khartoum and is at present working at a hostel at the National Islamic Front-controlled African International University in Khartoum. Abeba, the Ethiopian wife of Faisal, admits to have accompanied her husband once to Khartoum and, according to her husband as well, they were received at Khartoum airport upon their arrival by Mustafa Hamza, along with her sister. The trip was arranged upon the request of Mustafa Hamza to save the marriage, which was threatening to break up before the terrorist mission was carried out for whose facilitation the marriage had been consummated. Abeba, the wife, was threatening to leave Faisal because of frustration at the secrecy surrounding her life and at the isolation imposed on her. All the more so because she could not have access to some of the rooms in her own house because weapons were kept by her husband in those rooms. During their one-month stay in Khartoum, Abeba discloses that she and her husband stayed in Mustafa Hamza's residence.

21. It was soon after Faisal and Siraj arrived in Addis Ababa and before a wife had been found for Faisal and before he had moved out from a hotel into a rented house that, according to Faisal himself, a box containing weapons and explosives for the assassination attempt was sent from Khartoum and delivered to Siraj or to someone he sent to collect the box from, in his words, "outside the Sudanese Airways office in front of the Maskel Square". That the weapons were flown in by Sudanese Airways is beyond doubt and that they were shipped from Khartoum is also clear from statements given by Faisal. Our investigators were later to

discover in a safehouse used by the terrorists the shipping box with a label giving the addressee as the Sudan's General Security Bureau.

22. After the return to Addis Ababa in December 1994 of Faisal and his wife from their one-month trip to Khartoum, events start to move faster and other terrorists, including Omar (true name Sharif Abd-Al Rahman Tawfiq Al Madani), start arriving in Addis Ababa. Omar was the leader of the operation in Addis Ababa and he assumed command immediately upon his arrival, parcelling out information and assignments to each participant on a strictly defined need-to-know basis. Those in custody make it clear that curiosity was not tolerated in the organization and people did what they were told and nobody asked where colleagues went to or came from.

23. Next to come from Khartoum to Addis Ababa were two more terrorists. Yassin, who is in custody, and Ihab. Ihab was killed on 1 July along with Omar and with another terrorist called Hamza, in a shoot-out with the Ethiopian Security five days after the assassination attempt at a safehouse rented for the group by Faisal.

24. Yassin, who has confessed as having taken a major part in the attempt, as he was to be responsible for detonating the powerful explosives he kept in a briefcase at President Mubarak's car, recounts in vivid detail how he and others came to Khartoum from Pakistan and how in Khartoum some of them worked at a farm established by his organization and located on the southern outskirts of Khartoum within the Soba area. In this context, Yassin has given specific details to our investigators on where in Khartoum he and other terrorists stayed.

25. Yassin and Ihab came to Addis Ababa from Khartoum in early 1995 and, after a very brief stay in our capital, went back to Khartoum, but this time by car, through Gonder, an Ethiopian provincial capital close to the Sudan, and Metema, a small Ethiopian town on the border with the Sudan. Yassin admits that this was a rehearsal to familiarize themselves with the escape route. Yassin found the rehearsal useful although he was unsuccessful. He was apprehended after the assassination attempt on his way to the Sudan, trying to retrace the rehearsed route.

26. The plan for the assassination attempt, although foiled, was rather well organized and the terrorists had all the necessary weapons they needed, including two RPGs (light recoilless anti-tank gun) with four shells, Kalashnikov assault rifles and, as was indicated earlier, a very sophisticated explosive device in a briefcase meant to be used for totally demolishing President Mubarak's vehicle.

27. Although the terrorists had rented a variety of houses in different parts of the city, two among these were chosen to stage the assault; both were conveniently located very close to the airport and to the highway linking the airport to the city centre.

28. The first house, only 70 or so metres from the highway, linked to it by a narrow alleyway, was the major staging point where six terrorists - Omar, Ihab, Hamza, Yassin, Turki and Mohammed - spend the night on the eve of the attempt.

29. The second house, a one-storey apartment building overlooking the airport and the highway, strategically located to provide a clear view of the airport through its rear window, was used to monitor activities at the airport. Siraj and Khalifa were stationed there and they were assigned to transmit messages on the movement of President Mubarak's motorcade by radio communication.

30. According to Yassin, the assassination attempt was to be carried out according to the following plan:

(a) Ihab, driving a Toyota Landcruiser, and Mohammed, in a Volvo car, were to block the highway to the approaching Mubarak motorcade;

(b) The remaining four, with Omar behind the wheel, were to follow in another car with the purpose of opening fire at President Mubarak's car and those of his entourage and, with Omar providing cover, Yassin was assigned to detonate the explosives in the black briefcase he was holding, in what appears to be a suicide mission, as he approached President Mubarak's car.

31. The meticulous plan failed to be carried out fully because the terrorists were met with the quick reaction of our security and police personnel and because, when the third car, which was supposed to follow the first two, failed to start, the four terrorists were unable to take advantage provided by the blocked highway. In any case, since Ihab had blocked the highway too soon before President Mubarak's motorcade was close enough to the target spot, there was enough opportunity for the motorcade to stop and make a U-turn, short of the danger zone.

32. In the ensuing mêlée, two Ethiopians, one from the defence forces and the second a policeman, laid down their lives in the effort to thwart the terrorists. During the attack two of the terrorists rushing towards the motorcade were gunned down by our snipers. The rest, Omar and Yassin as well as Ihab and Hamza, the latter two nursing wounds inflicted on them by our security personnel, escaped from the scene and proceeded to a safehouse in the eastern part of the city where on 1 July, that is five days later, Omar, Hamza and Ihab were killed after a shoot-out with our security personnel. Yasin was captured a few days later on his way to the Sudan while retracing the escape route for which he had rehearsed earlier. So was Khalifa. Faisal, the man with the Ethiopian wife whose mission was limited to fulfilling routine duties and mostly used as errand boy was captured in Addis Ababa.

33. Siraj, the man with contacts with the Sudanese Embassy in Addis Ababa, escaped within hours of the assassination attempt by Sudan Airways, which left Addis Ababa much later than its scheduled departure time.

34. Siraj's embarkation card is in our possession, so is the flight manifest, in both of which he has used the name Faisal Lutfi Abdelatif, a name he uses on his Sudanese passport.

35. We admit we do not have a letter from the Sudanese leaders with their signature affixed thereon giving instructions to the terrorists to carry out the assassination attempt. But short of that, we feel we have a strong case that should impel the Security Council to inscribe this issue on its agenda with a

view to the adoption of the necessary resolution that the Sudan hand over to Ethiopia those three terrorists who are being sheltered in the Sudan.

36. For us, the involvement of the Sudan and its security organs in the assassination attempt is not a matter of dispute. Apart from the shipping box, all the evidence gathered in the course of the investigation clearly and strongly indicated that the Sudanese Security and the Sudanese Government were deeply involved up to their necks in the plot.

37. All the three terrorists in our custody confirm that there were only three countries they had recently been to: Pakistan, the Sudan and Ethiopia. Pakistan is the country where they resided and in which most of them have been recruited. The Sudan is the base, while Addis Ababa is the scene of the crime. The only other countries mentioned by the terrorists are Saudi Arabia and once Kenya, but in these instances the two countries were visited in transit. In the Sudan, the terrorists in our custody admit to having worked at a farm managed by their organization; that their leaders live in Khartoum; that the plot was hatched in Khartoum; that their mission to assassinate President Mubarak was given to them in Khartoum; and that the weapons intended to be used in their mission were flown into Addis Ababa by Sudan Airways from Khartoum.

38. Moreover, the passports they possess, in virtually all cases, were prepared for them in Khartoum and at least six of them were given Yemeni passports, while the rest had Sudanese.

Efforts at extradition

39. The Ethiopian Government had all the evidence referred to within two weeks or less of the assassination attempt. But we chose not to make it public, choosing instead to approach the Sudanese with an appeal to hand over the three terrorists that they were sheltering, providing all the necessary information we managed to secure regarding the locations of the places they were sheltered in. This was done in a message of 25 July 1995, sent to the Sudanese President by the then President, now Prime Minister of Ethiopia. The response initially was not very discouraging, for what Ethiopia was given to understand was that they needed more time for such an action given the clout wielded by those who protect the terrorists. Appeals were made to Ethiopia in the name of the friendship between our two countries to withhold the information so that they might have more time to sort out their own internal bickering on whether or not to hand over the terrorists.

40. A little while later, in what was intended to be a thinly disguised attempt at evading the real issue, which we took as little more than a charade and a gimmick, it was announced by Khartoum that their Chief of External Security was removed as was their Minister of Internal Affairs and a few others.

41. But it was clear to us that all these were intended to be baits for us to oblige the Sudanese in a cover-up scheme, the script for which was being written by those same Sudanese extremist elements of the National Islamic Front who were responsible for assisting and encouraging the assassination attempt. Nor could we have been encouraged by the statements of people in the Sudan, some of whom wield enormous influence in the country. One such statement is attributed to

Hassan Al-Turabi by the Sudan News Agency on 3 July 1995. The News Agency cites Mr. Turabi as having said that "Egypt is experiencing now a religious drought. Allah the Almighty wanted the Islam revival to start from the Sudan and Islam will flow to them with the water of the Nile to purge Egypt". The agency went on to state that Mr. Turabi said that "The pharaoh of Egypt returned full of fright from Addis Ababa after he had been confronted by the mujahedin" and that "Mujahedin spring from the land of Egypt to pursue the pharaoh wherever he goes".

42. This did not surprise us at all because we have been used to the unimaginable and incredible hubris of some within the Sudanese leadership who continue to believe seriously that the Sudan is the centre of the world.

43. Those who have followed Ethio-Sudanese relations closely since the change of Government in Ethiopia more than four years ago should know full well how much Ethiopia has gone an extra mile to keep our relations with the Sudan on an even keel and how much, though our respective approaches to politics were different, we tried to maintain friendship between us, not only at the level of peoples-to-peoples relations, but also at the level of Governments. In fact, the Sudan's current political orientations have never been major preoccupations for us and we never felt that those would be impediments to friendship between our two countries. The authorities in the Sudan know how much we tried to stand on their side so that they may not be isolated internationally. In short, we were their true friends; and they stabbed us in the back.

44. It was Ethiopia that took the initiative immediately following the establishment of our new Government four years ago to waive visa requirements for citizens of the Sudan who wished to come to Ethiopia. We never felt that the Sudan's political orientation made that initiative unwise. Some said we were naive, but we thought friendship should accommodate differences in political positions, no matter how diametrically opposed those positions might be. Although this episode has pained us, we are convinced that it is the Sudan that lost a friend, because our friendship for the Sudan was genuine. It is the assassination attempt on the life of President Mubarak in our very capital that changed our attitude. It should again be emphasized here that our changed attitude has nothing to do with the Sudan's Islamic orientation; it has nothing to do with the human rights issues of which the Sudan has often been accused. It is rather the act of terrorism that they encouraged and assisted in our capital that must be taken as an indirect aggression against Ethiopia, which made us come here to the Security Council and earlier to OAU.

45. Even then, we have tried virtually everything possible to sort out the problem bilaterally, and it was only when this track led to a dead end that we took the matter to OAU.

46. When OAU began to look into the issue, the Sudan resisted vigorously, claiming that the matter was political in nature and as such could not be dealt with by the OAU Conflict Prevention Mechanism. Now that Ethiopia has brought the matter to the United Nations, the Sudanese have changed their tune, insisting that only OAU deal with the issue. If there was a higher forum above the Security Council to which Ethiopia could go, no doubt the Sudan would demand that only the Security Council deal with the matter at hand. All we have seen

in the last six months are delaying tactics employed by Khartoum in a desperate effort to avoid facing the damning facts.

47. Efforts to settle the matter under the auspices of the OAU Central Organ have been made and fully exhausted, and as far as Ethiopia is concerned there is no basis or need for delaying implementation of the Central Organ's decisions in the pretext of making additional efforts at the regional level.

48. The Sudan's assertion that OAU has not exhausted its efforts is totally baseless and represents yet another futile attempt to undermine the decisions of the OAU Central Organ and to buy time in order to cover up its role in international terrorism and to prevent the Security Council from fulfilling its responsibility of combating terrorism, which is an essential element for the maintenance of international peace and security.

49. Action by the Security Council on the matter presented to it by Ethiopia will not in any manner whatsoever undermine OAU; rather it will enforce the latter's credibility and legality of its decisions, thereby setting in motion the desired cooperation between the United Nations and regional organizations in the maintenance of international peace and security.

50. The authorities in the Sudan will leave no stone unturned to avoid having to deal with the substance of the accusations they face. In their work of obfuscation, they are trying to portray that Ethiopia is serving the interests of others. This is not in line with our history or with our psychology. We may be poor but we have our dignity. Never would Ethiopia be a Trojan horse for others. But the Sudanese Government has no other option than to say this because their own authorities know that the present Government of Ethiopia would never accuse the Sudan without cause.

51. For Ethiopia, peaceful and friendly relations with its neighbours, including the Sudan, are a cherished objective. But we cannot pretend the evidence and the facts away. States that can allow themselves to be engaged in sponsoring acts of terrorism must be held to account. The Security Council cannot give a blind eye to this.

52. Although thankfully the assassination attempt was foiled, we should consider what could have resulted had it succeeded. The relations between the countries of the subregion - Ethiopia, the Sudan and Egypt among them - are well known. Would countries have been able to restrain themselves had President Mubarak been assassinated? And what would that have meant to regional peace and security? And what are the implications if the extremists in the Sudan were to be let off the hook by our looking the other way today? The effect of assassinations on triggering off terrible conflicts is well known. Despite the existence of underlying causes, it cannot be forgotten that the sufferings caused in Rwanda and Burundi were triggered off by an act of assassination.

53. To come to the matter before us, the State-sponsored terrorist act that was played out in our capital on 26 June 1995, was in many ways an indirect aggression against Ethiopia. But what we are asking in response to this is for the Security Council to assume its responsibility by putting pressure on the

Sudanese Government so that that Government will do one very simple thing: hand over to Ethiopia those three terrorists who are now being sheltered in the Sudan. We have in accordance with Article 33 of the Charter of the United Nations tried to do our level best to resolve this dispute. But to no avail. The regional efforts through OAU have achieved no results. Indeed OAU is frustrated by Sudanese intransigence. It is time that OAU is assisted by the international community as a whole. The fact that the matter is still on the agenda of the OAU Central Organ demonstrates the interest of OAU in the follow-up of the full and prompt implementation of its decisions. The fact that it remains seized of the issue should not prevent the Security Council from considering the matter with a view to taking the appropriate course of action consistent with its primary responsibility for the maintenance of international peace and security.

54. Furthermore, the issue cannot be seen merely as a dispute between two or three countries. The assassination attempt on the life of the Egyptian President was also aimed at OAU and the criminal act, if it had succeeded, would no doubt have had incalculable implications for regional and international peace and security. In this regard, the Charter of OAU in its article III says that member States "unreservedly condemn in all its forms, political assassination ..." Furthermore, the international community, including members of our Organization, have entered into a firm commitment, through United Nations declarations and conventions, to oppose terrorism and not to tolerate this evil. The Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly of the United Nations in November 1970 makes this clear in no uncertain terms.

55. The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, which came into force in February 1977 makes "a violent attack upon the official premises, the private accommodation or the means of transport of an internationally protected person", including a head of State, an international crime.

56. The latest commitment entered into by the international community to fight against terrorism embodied in the Declaration on Measures to Eliminate International Terrorism, adopted by the General Assembly at its forty-ninth session in 1994, also makes it abundantly clear that, "the suppression of acts of international terrorism including those in which States are directly or indirectly involved, is an essential element for the maintenance of international peace and security". The point is, State-sponsored terrorism cannot in this day and age be tolerated no matter who does it; and the international community is on record on this.

57. We call thus on the Security Council to consider the matter, inscribe this grave issue on its agenda and adopt a resolution commensurate with the gravity of the crime. Ethiopia and its peoples await your response.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1996/11
9 January 1996

ORIGINAL: ENGLISH

LETTER DATED 9 JANUARY 1996 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Today, at 5.30 p.m. local time in Sarajevo, Serb gunners from Serb-occupied Grbavica targeted a crowded street car, killing 2 civilians and wounding 11 others, according to the first information available.

This act of violence presents the most serious threat to the Dayton Peace Agreement, not to mention it being a blatant violation of all previously adopted Security Council resolutions and international decisions regarding Sarajevo. As such, it should be taken with utmost seriousness and condemned immediately in the strongest possible terms. Furthermore, a determined action, as mandated by the international community, should ensue without delay.

In addition, this act of violence should only strengthen the determination of the international community, the North Atlantic Treaty Organization (NATO) and other responsible actors to continue with the full implementation of the Peace Agreement and to proceed, without any delay or modification, with the envisioned transfer to the Bosnian Government's authority of those parts of Sarajevo under the control of Pale Serbs, in order to ensure the safety and security of all its citizens.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Ivan Z. MISIC
Chargé d'affaires a.i.

96-00357 (E) 090196 100196

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1996/12
10 January 1996
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 5 JANUARY 1996 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you that the violations of Iraqi national airspace committed by United States aircraft in order to carry out reconnaissance and cause provocation continued over the period 21-31 December 1995.

21 December 1995

1. Northern region: 11 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Mosul, Irbil, Dohuk, Zakho, Tall Afar and Amadiyah.

2. Southern region: 29 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Nasiriyah, Samawah, Salman, Jalibah, Artawi and Busayyah.

3. At 1350 hours on 21 December 1995, a United States TR-1 reconnaissance aircraft flying at a speed of 600 kilometres per hour and at an altitude of 20,000 metres violated Iraq's airspace in the southern region. It left in the direction of Kuwait at 1545 hours.

22 December 1995

1. Northern region: 22 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Zakho, Dohuk, Amadiyah, Irbil, Mosul and Tall Afar.

2. Southern region: 31 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Artawi, Chabaish, Nasiriyah, Samawah, Amarah, Qurnah, Shanafiyah and Lasaf.

3. On 22 December 1995, two United States TR-1 reconnaissance aircraft flying at speeds of 600 kilometres per hour and at altitudes of 20,000 metres violated Iraqi airspace in the southern region, as follows:

The first flight entered Iraqi airspace at 1325 hours and left in the direction of Kuwait at 1345 hours.

The second flight entered Iraqi airspace at 1540 hours and left in the direction of Kuwait at 1650 hours.

23 December 1995

1. Northern region: 4 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Mosul, Dohuk, Zakho and Amadiyah.

2. Southern region: 46 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Nasiriyah, Samawah, the area to the south of Diwaniyah, Qurnah, Shatrah and Busayyah.

3. On 23 December 1995, two United States TR-1 reconnaissance aircraft flying at speeds of 600 kilometres per hour and at altitudes of 20,000 metres violated Iraqi airspace in the southern region, as follows:

The first flight entered Iraqi airspace at 1135 hours and left in the direction of Kuwait at 1245 hours.

The second flight entered Iraqi airspace at 1425 hours and left in the direction of Kuwait at 1545 hours.

24 December 1995

There was no hostile United States aerial activity.

25 December 1995

Southern region: 18 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Nasiriyah, Qurnah, Jalibah, Artawi and Busayyah.

26 December 1995

1. Southern region: 56 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Nasiriyah, Samawah, Qurnah, Maymunah, Shatrah, Chabaish and Jalibah.

2. On 26 December 1995, two United States TR-1 reconnaissance aircraft flying at speeds of 600 kilometres per hour and at altitudes of 20,000 metres violated Iraqi airspace in the southern region, as follows:

The first flight entered Iraqi airspace at 0935 hours and left in the direction of Kuwait at 1055 hours.

The second flight entered Iraqi airspace at 1242 hours and left in the direction of Kuwait at 1350 hours.

27 December 1995

1. Northern region: 11 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Mosul, Irbil, Dohuk, Aqrah, Zakho and Amadiyah.

2. Southern region: 38 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Nasiriyah, Samawah, Qurnah, Salman, Chabaish, Busayyah and Artawi.

28 December 1995

1. Northern region: 18 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Mosul, Dohuk, Zakho, Irbil and Amadiyah.

2. Southern region: 39 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Nasiriyah, Samawah, Qurnah, Jalibah, Busayyah and Artawi.

3. At 0955 hours on 28 December 1995, a United States TR-1 reconnaissance aircraft flying at a speed of 600 kilometres per hour and at an altitude of 20,000 metres violated Iraq's airspace in the southern region. It left in the direction of Kuwait at 1100 hours.

29 December 1995

1. Northern region: 12 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Zakho, Dohuk, Amadiyah, Aqrah, Irbil and Mosul.

2. Southern region: 44 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Nasiriyah, Qurnah, Shu'aybah, Samawah, Chabaish and Qal'at Salih.

3. On 29 December 1995, two United States TR-1 reconnaissance aircraft flying at speeds of 600 kilometres per hour and at altitudes of 20,000 metres violated Iraqi airspace in the southern region, as follows:

The first flight entered Iraqi airspace at 1040 hours and left in the direction of Kuwait at 1333 hours.

The second flight entered Iraqi airspace at 1505 hours and left in the direction of Kuwait at 1539 hours.

30 December 1995

1. Northern region: 23 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Zakho, Amadiyah, Dohuk, Mosul, Tall Afar, Aqrah and Irbil.

2. Southern region: 39 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Artawi, Qurnah, Chabaish, Qal'at Salih, Nasiriyah, Shatrah, Samawah, Shanafiyah, Salman and Busayyah.

3. On 30 December 1995, two United States TR-1 reconnaissance aircraft flying at speeds of 600 kilometres per hour and at altitudes of 20,000 metres violated Iraqi airspace in the southern region, as follows:

The first flight entered Iraqi airspace at 0925 hours and left in the direction of Kuwait at 1045 hours.

The second flight entered Iraqi airspace at 1227 hours and left in the direction of Kuwait at 1337 hours.

31 December 1995

1. Northern region: 12 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Mosul, Dohuk, Amadiyah, Tall Afar, Aqrah and Zakho.

2. Southern region: 40 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Nasiriyah, Samawah, Qurnah, Chabaish, Artawi, Busayyah and Jalibah.

3. On 31 December 1995, two United States TR-1 reconnaissance aircraft flying at speeds of 600 kilometres per hour and at altitudes of 20,000 metres violated Iraqi airspace in the southern region, as follows:

The first flight entered Iraqi airspace at 0905 hours and left in the direction of Kuwait at 1025 hours.

The second flight entered Iraqi airspace at 1300 hours and left in the direction of Kuwait at 1325 hours.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

UNITED NATIONS **S**

Security Council

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S/1996/13
10 January 1996

ORIGINAL: ENGLISH

LETTER DATED 10 JANUARY 1996 FROM THE PERMANENT REPRESENTATIVE OF CROATIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

With reference to my letter dated 3 January 1996 (S/1996/3), I have the honour, on behalf of my Government, to inform you of the following.

The Republic of Croatia, being cognizant that the overall peace process in the former Yugoslavia is at a delicate stage and being fully determined to contribute to peace and stability in the region, would support a continued deployment of United Nations military observers in the area of the Prevlaka peninsula in Croatia, with an understanding that such deployment shall be a short-term interim arrangement, until, as proposed by my Government, the United Nations arrangement is replaced by a regional arrangement.

Croatia remains committed to confidence-building measures in the Prevlaka peninsula area, including full demilitarization of the area on both sides of the international border, and to other aspects of preventive diplomacy based on the Organization for Security and Cooperation in Europe (OSCE) principles. In addition, Croatia supports further negotiations with the Federal Republic of Yugoslavia (Serbia and Montenegro) on issues such as maritime passage for vessels utilizing the Boka Kotarska harbour in the area.

Finally, we should like to reiterate that my Government cannot accept the claim submitted in the letter by the Yugoslav Prime Minister, Mr. Radoje Kontic (S/1995/1059), that there is a "territorial dispute" between the Republic of Croatia and the "Federal Republic of Yugoslavia (Serbia and Montenegro)" in the area of the Prevlaka peninsula in Croatia.

May I request your kind assistance in distributing the present letter as a document of the Security Council.

(Signed) Mario NOBILO
Permanent Representative

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